

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To J. V. Elburn, Esq.,
133 High Street,
Northchurch,
BERKHAMSTED,
Herts.

Burnel Design,
22 Avon Walk,
Shenley Hill Village,
LEIGHTON BUZZARD,
Beds.

Bungalow and Garage
at "Demeath", Shootersway, Northchurch.

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 16th January, 1980 and received with sufficient particulars on and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:-

The site is within an area without notation on the approved County Development Plan and in an area referred to in the approved County Structure Plan (1979), wherein permission will only be given for the construction of new buildings, (or the change of use or extension of existing buildings), for agricultural purposes, small scale facilities for participatory sport and recreation, or other uses appropriate to a rural area. The proposed development is unacceptable in the terms of this policy.

Dated 28th day of February, 19 80.

Signed [Signature]

Designation Director of Technical Services.

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.



Department of the Environment

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Your reference
 182

Our reference
 T/APP/5252/A/80/06825/G8

Date

- 5 SEP 1980

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MR C J ELBURN
 APPLICATION NO:- 4/0079/80

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a bungalow and garage at "Demeath", Shootersway, Northchurch, Herts. I have considered the written representations made by you and by the Council. I inspected the site on 12 August 1980.
2. From my inspection of the site and its surroundings, and the written representations made, I am of the opinion that the main issue is whether the proposal would constitute an acceptable addition to existing development having regard to the Council's rural area and green belt policies.
3. The site is in an area without notation on the approved County Development Plan and in the approved County Structure Plan it lies within an area over which the Metropolitan Green Belt is to be extended. In the Council's view therefore the only new development allowed should be that essential in connection with agriculture or other uses appropriate to the rural area. They contend that the proposed dwelling does not comply with the criteria for development in the countryside and would have an urbanising effect upon this predominantly rural area.
4. On behalf of your client, you have submitted that the site is an infill plot within an existing settlement and the development would not conflict with the Council's policies. Your client needs new accommodation close to his Northchurch business which serves the local community. The site is well screened, and the building proposed would be of high quality and would have little effect on the surrounding area.
5. My inspection showed that the site is in pleasant wooded countryside which retains its predominantly rural character despite the existence of some scattered pockets of residential building. Many of these are small and well screened and they appear to have been established or permitted before the current policies of strict control were adopted in the interest of maintaining the open nature of the countryside and of preventing further scattered building away from the towns and villages where community facilities can be provided. I note your submission that the proposal represents infill development but in my opinion it cannot be justified as "infilling" as that term is properly applied, namely the filling of a small gap in an otherwise built-up frontage. The appeal site forms part of the large curtilage of one of a cluster of some 6 dwellings on the south side of Shootersway. To my mind this

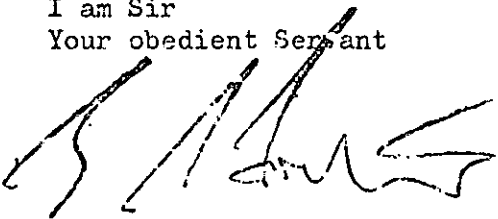
groups of houses, on account of density and disposition constitutes sporadic development in the countryside to which the restrictive planning policies are properly applicable. I consider that the appeal proposal is unacceptable as it would intensify this development and further erode the rural character of the area in conflict with the established planning policies.

6. I accept that a single dwelling designed and sited as proposed on this plot and screened by the present trees and hedges would not be very noticeable. But this is not by itself a valid reason for allowing the proposal as it could be repeated too often with cumulatively harmful effect across the countryside.

7. I sympathise with your client's reasons for seeking a site close to Northchurch on which to build a dwelling to replace his present flat but I regret that these personal circumstances are not sufficient to override the strong policy restrictions on new development in the rural area. I have taken account of all other matters mentioned in the written representations including the petition signed by residents in the area and your remarks on the support given to the application by the Parish Council and local residents but, in my view, they do not outweigh the considerations that have led to my decisions.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant



E S FOSTER
Inspector