

**Department of the Environment and  
Department of Transport**

Common Services

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CHIEF EXECUTIVE  
OFFICER

28 OCT 1988

File No. ....

Refer to .....

Clearance .....



Prudential Property Services ~~1/2/88~~  
Land & New Homes Division ~~2/2/88~~  
20/22 Temple Street  
AYLESBURY  
Bucks  
HP20 2RQ ~~3/10/88~~

Your reference

182

27063

Our reference

T/APP/A1910/A/88/095335/P2

Date

|                      |      |      |      |        |      |
|----------------------|------|------|------|--------|------|
| Ref. 27 OCT 1988     |      |      |      |        |      |
| C.P.O.               | D.P. | D.C. | B.C. | Admin. | File |
|                      |      | ✓    |      |        |      |
| Received 27 OCT 1988 |      |      |      |        |      |
| SCHEDULE 9           |      |      |      |        |      |

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 66 AND SCHEDULE 9  
APPEAL BY CHRISTINE BARRETT  
APPLICATION NO:- 4/0106/88

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for a single dwelling on land behind The Vicarage, High Street, Markyate.
- I have considered the written representations made by you and by the council, together with those made by other parties. I inspected the site on 6 October 1988. From my consideration of the written representations, together with my inspection of the site and its surroundings, it seems to me that the main issue is the effect of the proposed dwelling on the character of the countryside on the edge of the village of Markyate, bearing in mind the form of the village, relevant policies, and the site's inclusion in the Chilterns Area of Outstanding Natural Beauty (AONB).
- The appeal site is located at the northern end of Markyate, with housing development to the south, and The Vicarage, the northernmost house fronting High Street, to the east. However, the site is itself open land, part of a paddock extending along the hillside north of the site and of The Vicarage. Planning permission has been granted for an access to The Manor, north of the village, and this is intended to run alongside the site's northern boundary. At present, however, the site is not segregated from the remainder of the paddock.
- To the west is a cemetery which, with its grass and trees, I do not consider an urban feature. The path to the cemetery, which immediately borders the appeal site to the south, is separated from the appeal land by a tall mature hedge. Although the hedgeline has been breached by the development of The Vicarage, I consider that it forms a clear boundary to the developed area of the village immediately south of the appeal site. The Vicarage was permitted by an Inspector on appeal partly because the Inspector considered that its development could not lead to any further development. On the council's non-statutory village core plan, approved by the council in 1981, after The Vicarage had been developed, the hedge marks the defined village boundary. In view of the physical separation of the appeal site from development to the south, and because of the open land uses of the site and of land to the west and north, I consider that the site is located outside the village of Markyate. The site forms the beginning of the open countryside extending north of the settlement.
- The development of the appeal site would not in my view be rounding-off, but would extend the village onto open countryside north of its present limits. It would therefore spoil the character of the countryside on the edge of the village and forming part of the Chilterns AONB. The AONB boundary does include some of

the residential development south of the appeal site, but nevertheless the site and the open countryside north of it is within the AONB. Although the site is not prominent from Watling Street to the east, it is visible from the cemetery and cemetery path.

6. Markyate is located within a rural area beyond the Green Belt, in the adopted Dacorum District Plan. As the site is outside the village, your client's proposal would be contrary to District Plan Policy 2, which restricts the construction of new buildings in such areas to those to be used for agricultural or other specified purposes. In my view Policies 4 and 5 of the District Plan are not relevant in this case, as they relate to development within settlements. Furthermore, the Hertfordshire County Structure Plan contains Policy 52, which allows development outside selected settlements only where strictly necessary for an agricultural or forestry purpose or for any proven need for local community services that cannot be met within a settlement.

7. Structure Plan Policy 47 aims to protect, inter alia, the essential character of the county's rural areas. The proposal would be contrary to this policy because it would harm the character of the countryside.

8. The appeal site slopes up behind The Vicarage but problems of overlooking could be avoided by the detailed siting and design of the proposed dwelling. Drainage to the mains system is possible. Nor do I consider there to be a precedent argument against your client's proposal; the open land to the north of the appeal site differs from the site because it does not have any development to its east. Nevertheless, there are substantial planning objections to the proposal because of harm to the character of the countryside on the edge of the village, and because of policy conflict. These objections outweigh the consideration that the dwelling would be occupied by your client's parents. As a consequence of the planning objections to the proposal, I intend to refuse planning permission.

9. I have taken into account all the other matters raised, including the provision of access via the permitted accessway to The Manor, but all of these matters are outweighed by the considerations leading to my decision.

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

I am Gentlemen  
Your obedient Servant

*C. Hughes*

C HUGHES BA(Hons) DipTP MRTPI  
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

MR



DACORUM BOROUGH COUNCIL

To Chris Barrett  
The Manor  
Watling Street  
Markyate

Colin Eades  
Chartered Architect  
27/28 Sun Street  
Hitchin, Herts SG5 1AH

|       |  |
|-------|--|
|       | One Dwelling (outline)                       |
| ..... |  |
| ..... |  |
| at    | Land R/o The Vicarage, High Street, Markyate |
| ..... |  |

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 ~~19.1.88~~ ~~22.1.88~~ 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 a rural area beyond the Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.

- The adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development, by virtue of its prominent location, is unacceptable in the terms of this policy.

Dated ..... day of ..... 19

Signed..... *W. B. Marshall*

Chief Planning Officer


NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.

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3. The proposal is not supported by evidence of local need sufficient to satisfy Policies 4 and 5 of the adopted Dacorum District Plan and as the proposal is not sited within the approved village core the development cannot be considered as infilling in conformity with Policy 5.

Dated.....7th.....day of April.....1988

Signed..........  
Chief Planning Officer