

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other Ref. No.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To D. B. Rees (Builders) Ltd.,
Balfour House,
Flaunden Lane,
BOVINGDON,
Herts.

Messrs. Stimpson, Lock & Vince,
9 Station Road,
WATFORD,
Herts.

Detached bungalow and double garage
at Land adj. to "High Tor", Scatterdells Lane,
Chipperfield.

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 1st February, 1979, and received with sufficient particulars on 2nd February, 1979, 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 the Metropolitan Green Belt on the County Development Plan and in an area referred to in the submitted County Structure Plan Written Statement within which there is a presumption against further development unless it is essential for agricultural or other special local needs - no justification has been proven to warrant departure from this principle.

Dated 8th day of March, 1979.

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.

L/209/31.7



Department of the Environment

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DATE

TECHNICAL SERVICES DEPT.

PLANNING SECTION

- 3 SEP 1979

Messrs Stimpson, Lock and Vince  
9 Station Road  
WATFORD  
Herts  
WD1 1DY

Your reference

RJB/HJL

Our reference

T/APP/5252/A/79/3691/G6

Date

31 AUG 1979

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY D B REES (BUILDERS) LIMITED

APPLICATION NO: - 4/0122/79

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 detached bungalow and double garage on land adjoining "High Tor", Scatterdells Lane, Chipperfield. I have considered the written representations made by you and by the council and also those made by the Chipperfield Parish Council and by interested persons. I inspected the site on 27 July 1979.
2. From my inspection of the appeal site and surrounding area, and the representations made, I am of the opinion that the main issues are whether the proposed development would be in accord with the character of the locality and whether there is sufficient reason to justify overriding the presumption against residential development in the Metropolitan Green Belt.
3. The appeal site is situated on the north-west side of Scatterdells Lane and forms a part of the extensive curtilage of "High Tor", a small bungalow of some age. Both the appeal site and a considerable part of the remainder of the large garden are uncultivated and overgrown. Mature trees and hedgerow line the north-eastern border of the site and its frontage to the narrow Scatterdells Lane. Development along both sides of Scatterdells Lane varies in type and in density. Much of it consists of small bungalows of pre-planning age, and there has been a certain amount of new residential development, or re-development, on parts of the lane.
4. The area from the appeal site to the south-west, particularly on the same side of the lane as the appeal site, seems to me to be of a rural character, being generally wooded and enclosed, whereas residential development to the north-east along both sides of the lane is more open, with in places a semi-rural character tending towards an urban ribbon in the case of some of the newer development. I note that it is the policy of the council to permit infilling in the main core of certain villages including Chipperfield, but I do not consider that Scatterdells Lane forms part of that main core. In my opinion the appeal site, with the remainder of the garden of "High Tor" and the undeveloped area to the south-west, makes a valuable contribution to the rural character of this particular locality, and I conclude that the proposed development, by adding another dwelling and opening up another frontage to the lane, would have an unacceptably adverse effect on that character. Furthermore, there appears to be no evidence as to agricultural or other special need for further residential development in this area, and I find no reason which might justify overriding the Green Belt policy in this instance.

5. I inspected recent development which has been permitted on the site of a former dwelling "Tintagel", but take the view that there is no similarity of any significance between that site and the appeal site that might justify the granting of planning permission in the case of the application now under appeal. I have also considered all the other matters raised in the written representations, including the question of enforcement of Green Belt policy, the inability of the present owner of "High Tor" to maintain the garden and the stated unfulfilled demand for housing in this part of Hertfordshire, but in my opinion they are not strong enough to outweigh the considerations that have led me to my decision.

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

I am Gentlemen  
Your obedient Servant

A handwritten signature in cursive script, appearing to read "A H Gibb". The signature is written in dark ink and is positioned above the typed name and title.

A H GIBB MBIM  
Inspector

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971).

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is the Secretary of State or Inspector, as the case may be, has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No. 419), which relate to the procedure on cases dealt with by the Secretary of State, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No. 420), which relate to the procedure on appeals transferred to Inspectors.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.