

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



**DACORUM BOROUGH COUNCIL**

To Mr K M Muller  
69 Candlefield Road  
Hemel Hempstead  
Herts HP3 9UN

.. Detached dwellinghouse and associated vehicular access ..  
.....  
at Land adjoining "Drakes Brook" and "Highover".....  
.. Lukes Lane, Gubblecote, Nr. Tring.....

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 ..... 26.1.1990 ..... and received with sufficient particulars on ..... 31.1.1990 ..... and shown on the plan(s) accompanying such application..

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

1. 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.
2. The proposal represents a gross overdevelopment of the site which would, if permitted, result in very limited garden area for the occupants of the proposed dwelling.
3. The proposed development by reason of the removal of the roadside hedge would detract from and cause harm to the visual character of the area.
4. The first floor windows of the proposed dwelling would cause overlooking to the garden of the property "Highover".

Dated ... 26th ..... day of ..... April ..... 19 90.

Signed..... *Wm Barnard* .....

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 the date 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.



**Planning Inspectorate**

Department of the Environment

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*Handwritten initials and scribbles*

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Rel.						Ack. GTN 1374	
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	
Received						14 FEB 1991	
Comments						Date 13 FEB 91	

Your Reference  
 Our Reference  
 T/A PP/A1910/A/90/167947/P8

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
 APPLICATION NO:- 4/0133/90

- As you know, I have been appointed by the Secretary of State for the Environment to determine your appeal, which is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a dwelling and creation of a vehicular access on land adjoining "Drakes Brook" and "Highover", Lukes lane, Gubblecote. I have considered the written representations made by you and by the Council, and also those made by Tring Rural Parish Council. I have also considered those representations made directly by interested persons to the Council, which have been forwarded to me. I inspected the site on 18th January 1991.
- From the representations made and my inspection of the site and surroundings, I consider that the main issues are whether the proposed dwelling would be an acceptable form of development in this rural area, its affect on the amenities of the adjoining dwelling, and its affect on the free and safe flow of traffic along Lukes Lane.
- Taking account of the presence of large complexes of buildings such as the old camp site, and the egg packing station, I consider that Lukes Lane runs through open countryside. There are small groups of houses located sporadically along the roads in the vicinity of the appeal site, one of which is composed of "Drakes Brook" and "Highover". These lie on the south side of Lukes Lane, and the appeal site is situated to the east. I noted that there is open countryside to the east and south of the appeal site.
- It is the objective of the Structure Plan to protect the essential character of rural areas. In the rural areas beyond the Green Belt it is intended that outside settlements development will be limited to that required for agriculture, forestry or other local community services. The restraint of other forms of development as expressed in the current local plan is reiterated in the draft local plan which is now in its advanced stages.
- I consider that the proposed dwelling would further consolidate this small group of buildings, and increase its impact on this rural area. In my opinion this would be harmful to the character of the area and to the objectives of the prevailing development plans to protect its rural character. I, also, consider that without any special justification the proposal could set a precedent for other forms of similar development associated with other similar groups close-by. I do not consider that the fact that the appeal

site is derelict garden land rather than in agricultural use changes its status as an open area of land within the countryside, or that the tidying up of this land would outweigh the harm I perceive from the further urbanisation of this part of Lukes Lane.

6. The council consider that the proposed development would be cramped in relation to the adjoining dwellings, and its proximity to the road would increase the urbanising effect of the proposed development. You consider that the proposed dwelling would not be cramped in relation to modern housing requirements. It seems to me that the irregular shape of the appeal site would result in small areas of garden around the proposed dwelling, which would be further reduced by the proposed access and turning requirements. I agree with the council that this, together with the closeness of the proposed dwelling to the road, would result in a development of cramped appearance in relation to the adjoining dwellings, and would increase the urbanising affect of the proposed dwelling on this rural area.

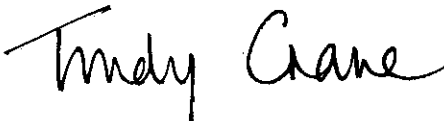
7. I note that the proposed dwelling would have only a bathroom window, which would be obscure glazed, on the gable facing the adjoining dwelling. I cannot see that this would cause loss of amenity to this dwelling.

8. I have noted that, because of the curved alignment of Lukes Lane in the vicinity of the appeal site, visibility for drivers from the the existing and proposed access is restricted in both directions, and drivers on Lukes Lane are unlikely to see traffic emerging from these accesses until the bends close to the appeal site are reached. I have noted the comments made with respect to the nature of traffic along this road, and have observed the industrial uses in the vicinity. Although I have noted that the highway authority have not objected to this proposal, I am of the opinion that there is a potential hazard from vehicles using the existing accesses, and that another dwelling and access in this location would be contrary to the free and safe flow of traffic in the area.

9. In conclusion, I consider that the proposal would not be an acceptable form of development in this rural area, and would be harmful to the free and safe flow of traffic in the area. In my opinion these matters carry the most weight in determining this appeal. I have considered all other matters raised, but these do not alter my decision.

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

I am Sir  
Your obedient Servant



Ms T Crane BA, MPhil DipConsStudies MRTPI  
INSPECTOR