

DACORUM BOROUGH COUNCIL

IN THE COUNTY OF HERTFORD.

To W.H.C. Boyle
90 Flaunden
Hemel Hempstead
Herts

P. Raymond Bee
Fuller Hall & Foulsham
81a Marlowes
Hemel Hempstead
Herts

One Dwelling (Outline)
.....
.....
at Land adjacent The Nursery, Stoney 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 29.1.85. and received with sufficient particulars on 11.2.85. 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 Approved County Structure Plan and the Dacorum District Plan wherein permission will only be given for use of land the construction of new buildings, changes of use or extension of existing buildings for agriculture or other essential purposes appropriate to a rural area or small-scale facilities for participatory sport or recreation. No such overriding need has been proven and the development is unacceptable in terms of this policy.

Dated 4th day of April 19 85.

Signed *Wim Bamard*

Chief Planning Officer

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, 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.
- (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 and
Department of Transport**

Common Services

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**CHIEF EXECUTIVE
OFFICER**

3 JAN 1986

File Ref.

Refer to 200 311

Cleared

Fuller Hall and Foulsham
(Hemel Hempstead)
Architects Town Planners
81A Marlowes
HEMEL HEMPSTEAD
HP1 1LF

Your reference **PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL**

Our reference
Ref. T/APP/A1910/A/85/037326/p3 Ack.

Date	P.O.	D.P.	D.C.	S.C.	Admin.	File
31	DEC	85				

Received [Signature] - 3 JAN 1986

Comments
 1) MB
 2) [Signature]
 3) [Signature]
 4) [Signature]

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY W H C BOYLE
 APPLICATION NO:- 4/0143/85

- As you know I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a 5 bedroom house on land off Stoney Lane, Chipperfield, near Hemel Hempstead. I have considered the written representations made by you, the council and those made by interested persons. I inspected the site on 18 November 1985.
- From my inspection of the site and surroundings and the written representations I consider the main issue in this case is whether there are any reasons sufficient to justify the proposal bearing in mind the normal presumption against development in the Metropolitan Green Belt.
- The appeal site is approximately 52 m long and 22 m wide and consists partly of the site of a dwelling now demolished to ground level and overgrown with bushes and trees, and partly open agricultural land. It has open countryside on three sides with a nursery adjoining it to the north. The site is reached by means of a narrow unpaved track which, 200 m to the north, joins the Chipperfield/Bovingdon Road and a small hamlet called Tower Hill.
- The Country Structure Plan and Dacorum District Plan include the site and surrounding area within the Metropolitan Green Belt and the Structure and Local Plans both contain policies which seek to resist the introduction of most forms of new development in it. The District Plan identifies some villages in the Green Belt where limited infilling could take place but does not include Tower Hill, with these concluding that is not a village at all but "an isolated pocket of development".
- Whether or not Tower Hill could be regarded as a village, I found the appeal site to lie well to the south of any established line of houses in Tower Hill and in a relatively isolated position more or less surrounded by open countryside. Although the Structure Plan and District Plan are in general opposed to new development taking place in the Metropolitan Green Belt, the District Plan does specify certain categories of development which, in certain circumstances, would be acceptable. These include development for the purposes of agriculture or forestry, development needed for leisure or recreational purposes which cannot be reasonably located elsewhere and development of any other kind the purpose of which is considered appropriate to a Green Belt location. You have not advanced any justification for the proposed dwelling which would meet these criteria and I have accordingly concluded that your client's proposal is contrary to the council's Metropolitan Green Belt policies.

6. In coming to a decision I have had regard to Circular 14/85 "Development and Employment", in which it is stressed that development should always be allowed unless it would cause demonstrable harm to an interest of acknowledged importance. In my opinion the maintenance of the Metropolitan Green Belt and the restriction of new developments in it is such an interest and the need to preserve the rural character of the countryside as part of our heritage is an important and longstanding objective of national policy. Planning permission for proposals within the Metropolitan Green Belt should only be granted in the most exceptional circumstances when it can be shown that the physical effect of such proposals will be minimal and the policy of restricting further development will not be put at risk. In my opinion your client's house would, because of its isolated position, be a rather intrusive feature in the open countryside around it. It would moreover establish a strong precedent for the introduction of further dwellings along this track which it would be difficult for the council to resist. Pressures for development in the area are considerable and I have no doubt that the introduction of your client's dwelling would give rise to proposals for further dwellings in other parts of the village as well. The extension of Tower Hill to any substantial degree would in my opinion be inappropriate and most regrettable and would be a severe set back for the council's Metropolitan Green Belt policies in the area. It is my conclusion therefore that the proposal would cause demonstrable harm of the kind referred to in the Circular.

7. I have taken into account all the other matters raised by you, the council and the support for your proposal by interested persons. I have noted the fact that a dwelling once stood on part of the appeal site previously and also I have noted the contents of the Hertfordshire County Structure Plan public consultation document for 1985. These have not been sufficient however to override the considerations which have led me to my conclusion.

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

I am Gentlemen
Your obedient Servant

EB Williams

E B WILLIAMS DipTP ARICS MRTPI
Inspector