

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

D/323/VR/P

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Mr and Mrs Edward Samuel Solomon
Le Chalet
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**CHIEF EXECUTIVE
OFFICER**

15 FEB 1989

File ref.
refer to *280 152*
Clearance

Your reference	
PLANNING DEPARTMENT	
DACORUM BOROUGH COUNCIL	
Our reference	T/APP/A1910/A/88/102084/P4
Ref	
Date	14 FEB 89
C.P.C.	
T.C.P.	
Received 15 FEB 1989	
Comments	
SCHEDULE 9	

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND
APPLICATION NO:- 4/0143/88

- As you know I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of a garage block and additional living area within its roof space at "Le Chalet", Long Lane, Bovingdon. I have considered the written representations made by you and by the Council.
- The site is located within an area of the Metropolitan Green Belt on the adopted Dacorum District Plan. Having regard to this factor, the representations received and my inspection of the site and its surroundings on Tuesday 31 January 1989, I have concluded that this case turns on whether or not any exceptional circumstances exist which would justify setting aside green belt policy. The basis of such policy is quoted in the Council's representations.
- You have put forward several points, which I have taken to represent arguments justifying an exception to normally applied green belt policy. Firstly, you say that the existing building is beginning to reach the stage when it needs to be demolished and rebuilt. Furthermore, due to only having a right of way over the vehicular access, you are experiencing problems parking family and visitors' cars. Secondly, the bedroom accommodation in your home is limited and as your son occupies one of the two bedrooms, you have difficulty when other members of your family or visitors come to stay. The living accommodation over the proposed garages would be occupied by your son. Lastly, you say that within the vicinity of 'Le Chalet' there are examples of outbuildings with rooms above.
- In green belts there is a general presumption against residential development unless required in the interests of agriculture, forestry or leisure purposes which cannot reasonably be located within urban areas, or for other uses appropriate to a rural area. None of these conditions prevail here. I accept that the building appears to be coming to the end of its useful life and that the proposed building would have but a minimal visual impact. However, in my experience, proposals for the rebuilding of dilapidated outbuildings, incorporating residential accommodation, are not uncommon within green belts. If your arguments for a new housing unit were accepted, similar arguments could equally apply elsewhere, leading inevitably to the concept of the green belt being eroded.
- In my view the erection of the garage block, with first floor residential accommodation, would have the effect of consolidating the existing sporadic

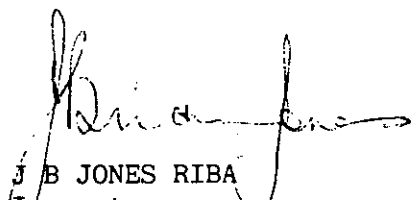
development in the locality, which is well separated from the built-up area of Bovington village and would thus conflict with both national and local planning policies. Despite the degree of screening afforded by the trees and other growth surrounding the site, I am satisfied that the domestic activity which would be generated by the living accommodation of the appeal scheme, would be undesirable in this backland situation and would detract from the rural quality of the surroundings to some degree.

6. I have considered the examples you have listed in the Grounds of appeal of outbuildings with rooms over, but nothing appertaining to these cases justifies, in my opinion, acceptance of your scheme.

7. I have taken account of all other matters raised in the representations, but cannot find an argument of such strength to persuade me other than that this is a case where green belt policy should not be set aside.

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

I am Sir and Madam
Your obedient Servant



J B JONES RIBA
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr and Mrs E Solomon Mr G A Graham
 "Le Chalet" 9 The Ridgeway
 Long Lane North Harrow
 Bovington Middlesex
 Herts

Garage block and additional living area at Le Chalet, Long Lane, Bovington	Brief description and location of proposed development.
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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 18 January 1988 and received with sufficient particulars on 28 January 1988 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 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.

Dated 21st day of March 1988

Signed..... *Wm Bamford*

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.