

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

DACORUM

THE DISTRICT COUNCIL OF
IN THE COUNTY OF HERTFORD

To Mr. T. J. Fitzgerald,
"Stony Dene",
Rucklers Lane,
Kings Langley, Herts.

One Dwelling
.....
.....
at "Stoney Dene", Rucklers Lane, Kings Langley, Herts.
.....
.....

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 ~~17th February, 1977~~ and received with sufficient particulars on ~~21st February, 1977~~ 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 lies within an area 'without notation' on the County Development Plan where there is a presumption against further development unless it is essential in connection with agricultural or other special purposes. No justification has been proven in this case to warrant a departure from this principle.

Dated 31st day of March, 1977

Signed 

Designation Director of Technical Services

NOTE

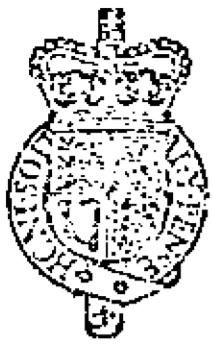
- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or 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.

D/131/19.12

MR JARRY

1 R Hill info
2 team 10/10/77
2 file.

DTS
to letter 26 Jan 78



Department of the Environment
 Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 384

TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
126A/78	9 JAN 1978
FILE No.	DATE

T J Fitzgerald Esq
 'Stony Dene'
 Rucklers Lane
 KINGS LANGLEY
 Herts

Your reference

Our reference

T/APP/5252/A/77/7022/G9

Date

5 JAN 1978

Sir

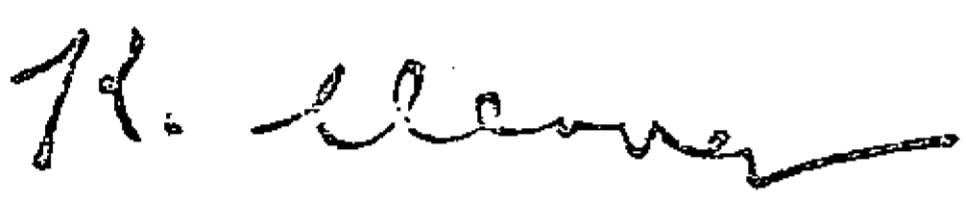
TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPLICATION NO:- 4/0189/77

1. I refer to your 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 dwelling within the curtilage of 'Stony Dene', Rucklers Lane, Kings Langley, Hertfordshire. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on Wednesday 14 December 1977.
2. From my inspection of the site and its surroundings and from my consideration of the representations made I am of the opinion that the determining issue in this case is whether sufficient reason has been shown to override the general presumption against residential development in an area where green belt policies apply.
3. Because your land is just outside the approved metropolitan green belt it is necessary to give some explanation of my understanding of the green belt policy in Hertfordshire. The First Review to the Development Plan was approved with a green belt policy which covers all the land in the county not allocated for development. Your land is within this category. This policy, although intended as an interim measure, remains in force until it is replaced or overridden by a structure plan approved by the Secretary of State and the green belt policies contained in that plan are defined in local plans. In the meantime all 'white' land in the county has green belt protection. The non-statutory document "Hertfordshire 1981" endorses the above policy. To complete my consideration of policy matters I have looked at Circular 122/73 - Land Availability for Houses - wherein there are set out guidelines for development control. Notwithstanding the statement in paragraph 1 that, until local plans come into operation development will have to be allowed on a good deal of land shown as 'white' on existing Development Plans, the guidelines nevertheless reiterate the general presumption against development on land to which green belt policies apply. It is clear from the above that there is a basic planning objection to your proposal which can only be overridden by special circumstances and it is at this point that I turn to consider any such matters. The site as you say lies within the curtilage of 'Stony Dene' a property standing on a well wooded plot of some 2½ acres. Approximately half an acre of this area at the south-western corner would be occupied by the proposal. The existing dwelling however is set back some 500 ft from Rucklers Lane whereas the proposed dwelling would appear as an extension to the west of those dwellings which front the lane.

4. You argue that the occupier of the dwelling would be an agricultural worker who maintains and repairs agricultural machinery but this is an insufficient reason to override the green belt policy because that work is not allied to a location at 'Stony Dene' but even if it were, there is already a dwelling on the land. I cannot accept the proposal as rounding-off an existing pattern of development nor do I see it as infilling which is normally taken to mean the closure of a small gap in an otherwise substantially built-up frontage. Having looked at the particular circumstances applicable to your application I can find none which are of sufficient strength to warrant setting aside the restrictive policy which obtains against residential development on land to which green belt policies apply. I have taken into account the other matters raised but they are insufficient to override the considerations leading to my decision.

5. For the above reasons and in exercise of the powers transferred to me I hereby dismiss your appeal.

I am Sir
Your obedient Servant



K CLEAVER CEEng MICE MIMunE AMCT
Inspector

IMPORTANT

Please note that as from 9 January 1978
our address will be Tollgate House,
Houlton Street, Bristol, BS2 9DJ.

Telephone: (Switchboard) 0272 218 811

TECHNICAL SERVICES	
FIXED BY	
ISSUED TO	
-9 JAN 1978	
QUALITY CONTROL	
FILE No.	DATE