

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr G Winfield
Enterprise
167 Chaulden Lane
Hemel Hempstead, Herts

Messrs Faulkners
49 High Street
Kings Langley
Herts

Erection of bungalow
at 167 Chaulden Lane, Hemel Hempstead

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 3 February 1988 and received with sufficient particulars on 8 February 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 17th day of March 19 88

Signed [Signature]

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.



**Planning Inspectorate**  
Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

GTN 2074

Chief EXECUTIVE  
TELETYPE

13 DEC 1988

File No. C/O 13/12  
Cleared

Faulkners  
49 High Street  
KINGS LANGLEY  
Hertfordshire  
WD4 9HU

PLANNING DEPARTMENT						
DACORUM BOROUGH COUNCIL						
Ref.				Ack.		
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
Received <b>13 DEC 1988</b>						
Comments						

Your Reference: **27634**  
GJS/RMD/3/8919  
Our Reference:  
T/APP/A1910/A/88/095480/P3  
Date: **- 8 DEC 88**

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR G WINFIELD  
APPLICATION NO:- 4/0194/88

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a bungalow on land at 167 Chaulden Lane, Hemel Hempstead, Herts. I held a local inquiry into the appeal on 29th November 1988.

2. The appeal site lies on the south side of Chaulden Lane and comprises the western half of the garden of No 167 and is some 0.45 hectares in area. No 167 Chaulden Lane is one of only four houses built on the south side of Chaulden Lane, however immediately opposite the appeal site is land formerly occupied by the Bourne Valley School which is currently being developed as a housing estate. To the south of the site is the Grand Union Canal and a railway line, beyond which lies mainly open countryside.

3. From what I heard at the inquiry, saw on site and read in representations, it is clear that the major issue in this case is whether there are any special circumstances that would justify an exception being made to the presumption against development contained within Green Belt Policies.

4. On this issue the Council referred to the Hertfordshire County Structure Plan and the Dacorum District Plan which became the Statutory Local Plan, following extensive public consultation, on 26th January 1984. In both of these Statutory Plans the appeal site is shown as lying within the Metropolitan Green Belt, however as the Green Belt boundary follows the line of Chaulden Lane, the land to the north of the appeal site which is currently being developed, is excluded. The Council also referred to two previous applications for a dwelling on the appeal site in 1971 and 1981, in both cases the applications were dismissed on appeal.

5. On behalf of your client you did not suggest that the proposed development should be considered as an exception to green belt policies because of an agricultural or other essential need, rather the basis of your case was that there had been a substantial change in circumstances since the previous appeal. You regarded the redevelopment of the Bourne Valley School site for housing as the major contributor to that change in circumstances and you also referred to two other recent developments within the Metropolitan Green Belt, quite close to the appeal site, which you believe lend weight to your clients case. These developments are the construction of offices for Barbrak Ltd. on Pix Farm Lane and the erection of a garage/store at Primrose Cottage at Pouchen Lane End, which shows clear signs of being in residential use.

6. I can understand your client's concern that his property is now overlooked by an extensive area of housing on the north side of Chaulden Lane but this has to be viewed in the context of the Statutory Local Plan. The evidence at the inquiry gave a clear indication that the Bourne Valley School site had been allocated for housing for many years and that allocation was confirmed in the Local Plan. It was also clear to me that your client did not object to that allocation at the appropriate time and neither did he object to the inclusion of the appeal site within the green belt.

7. I note that in the previous appeal decisions the Inspectors concluded that the appeal site was appropriately included within the Green Belt. The case for inclusion is even stronger now because since that time the Dacorum District Plan, which defines the boundaries of the green belt, has been formally adopted following extensive public consultation. In accordance with established national policies I must give considerable weight to the Statutory Local Plan and I can not accept your suggestion that the Green Belt boundary should have been drawn to exclude the appeal site and the three adjacent properties to the east.

8. I have taken account of your client's concern over the other recent developments in the area but they have not influenced my decision in this case because the circumstances surrounding both those cases were different from this appeal. In the case of the Pix Farm Lane development, the application was dealt with by the County Council and was allowed on appeal against the views of the Local Planning Authority. Also the development permitted in the case of Primrose Cottage was for a garage and store ancillary to the use of the residential dwelling on the site. Whilst that development shows clear signs of some form of residential use, it is for the Council to determine whether any action could be taken.

9. I have also considered the house adjacent to the appeal site for which permission was granted in 1963 but it was clear that the Council treated that application as relating to a genuine infill site and there were no green belt considerations at that time.

10. Although the appeal site has been part of the curtilage of a residential dwelling for many years I conclude that the proposed development would extend a small group of dwellings into open countryside to the serious detriment of Green Belt Policies. In particular I believe that there is a need to safeguard the surrounding countryside from further development, and now that most of the land allocated for housing in the area is being developed, it is necessary to check the unrestricted sprawl of large built up areas. I am also concerned that despite your client's assurances that he would not permit the remainder of his land to the west of the appeal site to be developed during his lifetime, the Council would have difficulty protecting other land on the south side of Chaulden Lane from development, if I allow this appeal.

11. I have considered all other matters including the personal circumstances of your client and the fact that there are no local objections to the proposed development, however none are sufficiently cogent to affect my conclusions on the major issue before me.

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

I am Gentlemen  
Your obedient Servant



D. B. Atkinson C.Eng. M.I.C.E. M.I.H.T.  
INSPECTOR