

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

File in ATTIC

DACORUM BOROUGH COUNCIL

IN THE COUNTY OF HERTFORD.

To Mr and Mrs A H Nyboer "Longfield" Flaunden

Residential development. (Outline Application) at Land between 1. Hunters Close and "Le Chalet", Long Lane, Bovington.

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 18th February 1985 and received with sufficient particulars on 19th February 1985 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 building, 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 need has been proved and the proposed development is unacceptable in the terms of this policy.

Dated 25th day of April 19 85

Signed [Signature]

Chief Planning Officer

P/D.15

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.

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"Longfield"
Flaunden

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Dated 25th day of April 1985

Signed *W. B. ...*

Chief Planning Officer

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CFO

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CHIEF EXECUTIVE OFFICER

9 JAN 1986

File Ref.
Refer to ... CFO
Closed

JMB
JEB

JOANNE
JOANNA

Mr and Mrs A Nyboer
"Longfield"
Hog Pits Bottom
Flaunden
Nr HEMEL HEMPSTEAD
Hertfordshire

HP3 8HN

Your reference

PLANNING DEPARTMENT					
DACORUM DISTRICT COUNCIL					
17/APP/71910/A/85/036584/P3					
Ref.	Date			Ack.	
C.P.O.	D.P.	D.C.	D.C.	Admin.	File
				24 DEC	
Received -2 JAN 1986					
Comments					

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0204/85

- 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 the Dacorum Borough Council to refuse outline planning permission for residential development on land between 1 Hunters Close and "Le Chalet", Long Lane, Bovington, Hertfordshire. I have considered the written representations made by you, the council, third parties and interested persons. I inspected the site on 11 November 1985.
- The County Structure Plan, which was approved in 1979, and the alterations thereto approved in 1984, show the village of Bovington to be situated in Metropolitan Green Belt land. The Dacorum District Plan which was adopted in 1984 identifies Bovington as a "specified settlement" within the limits of which development may be permitted. It draws a boundary tightly round the village however and the appeal site is some distance to the south of this. Within the Green Belt development is not normally permitted unless for one of the specific purposes prescribed in the Structure Plan such as agricultural, for small scale recreational purposes or mineral extraction. The appeal proposal does not fall within any of these defined purposes and it would appear therefore to be contrary to Green Belt policy.
- From my inspection of the site and surroundings I consider the main issue in this case to be whether or not there are any reasons that would justify the appeal proposal as an exception to the normal presumption against development within the Metropolitan Green Belt.
- The appeal site is an area of land approximately 90 m along its frontage and 130 m deep. It was originally used for military purposes and now has on it the ruins of 2 fairly large single-storey buildings, a considerable amount of concrete hardstanding and service roads, an underground shelter and some large water storage cisterns. These are now screened from view by trees and shrubs which have overgrown the site and there is a fairly substantial tree and shrub hedge growing along its frontage with Long Lane. The appeal site is situated near the northern end of Long Lane adjacent to some housing originally built for military personnel. To the south there are a number of dwellings fronting the road but these are interspersed with fields which project from the open countryside behind. On the opposite side the lane is more fully developed with housing of mainly inter-war period extending along the frontage of the lane for some distance to the south.

5. You have argued that there is a considerable amount of residential development close by the appeal site, that open areas of land near to it are fragmentary and that consequently the appeal site is not a true green field site where Metropolitan Green Belt restraint policies ought to apply. You also argue that because it is derelict the site would be more appropriate for redevelopment and that to bring it back to agricultural use would be almost impossible or at best enormously expensive.

6. I agree that development of the site for residential purposes would in itself have little or no adverse visual effect on its surroundings and I also accept that it would be difficult to bring the site back to a condition where it could be used for agricultural or horticultural purposes. However the council has argued that it is because of the existence of the houses in Long Lane, most of which were built a long time ago, and the fragmentary nature of the countryside remaining nearby, that it is so important to maintain the restrictive policies of the Metropolitan Green Belt in the area if further development in the lane is to be prevented. I concur with this view and consider that in accordance with the advice given in Circular 14/84 on Green Belts the fact that land is derelict is not sufficient reason in itself to justify redevelopment in Green Belt Areas. I also agree with the view expressed by the Inspector dealing with the previous appeal for residential development on this site (T/APP/5252/A/81/2049/G4), that arguments to permit development on the appeal site, if accepted, might equally well be applied to other derelict sites in the area particularly to the one in Middle Lane which is much larger.

7. You have also argued that the proposed prison to be built in the neighbourhood would give rise to additional demand for housing in the area and that the Hertfordshire County Structure Plan Public Consultation Document issued this autumn recognises that there will be further demand for local housing and contemplates future additional provision for it in Bovingdon. I accept that there may well be further development for residential purposes in the Bovingdon area in the future, possibly within the next 5-10 years. The council's evidence however shows there to be adequate supply of land to meet current needs and it would be wrong in my view to anticipate future changes in the Structure and Local Plan housing allocations by permitting development on this site now.

8. 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 development 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. I am concerned also that permitting development on your site would in my judgement give rise to proposals for similar developments on other sites in the area and the Metropolitan Green Belt policy would be undermined in an area where pressures for further development are considerable.

9. I have taken into account all the other matters raised in the representations and in particular have noted the legal difficulties you find yourselves in because of the existence of quantities of asbestos on the site. None of these matters has however been of sufficient weight to override the considerations which have led me to the conclusion that the Metropolitan Green Belt policies for restricting development in the area should in this case prevail.

10. 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

EB Williams

E B WILLIAMS DipTP ARICS MRTPI
Inspector