

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr M and Mrs A C Burgin
23 Croft End Road
Chipperfield
Herts

Change of use of agricultural land to residential
garden.
at Rear of 23 Croft End Road, 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 4 January 1988 and received with sufficient particulars on 9 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 1988

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

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CHIEF EXECUTIVE OFFICER

3 FEB 1989

File Ref.
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PLANNING DEPARTMENT							GTN 1374
DACORUM BOROUGH COUNCIL							
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Comments							

Mr and Mrs M Burgin
 23 Croft End Road
 CHIPPERFIELD
 Herts.
 WD4 9EE

Your Reference:
 (LPA) 4/0205/88
 Our Reference:
 /APP/A1910/A/88/103362/P6
 Date: - 1 FEB 89

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Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPLICATION NO: 4/0205/88

- 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 planning permission for the change of use of land to the rear of 23 to 25 Croft End Road, Chipperfield to use as residential garden. I have considered the written representations made by you and by the Council. I inspected the site on 23 January 1989.
- As you have already purchased the land and are using it for domestic purposes I am treating this appeal as having arisen from an application under Section 32 of the 1971 Act, for the continuation of the use.
- From the written representations and my inspection of the site and it's surroundings I have formed the view that the principal issue in this case is whether the use of this land as domestic garden would conflict with the strong presumption against development in the Metropolitan Green Belt, within which the site is located.
- The adopted District Plan sets out the purposes of the Metropolitan Green Belt which are to prevent the spread of the Greater London built up area and to preserve stretches of open countryside for recreational and agricultural use. To achieve these aims policies contained in the approved Structure Plan and the District Plan seek strictly to control development except for that principally required for agriculture or forestry. Any proposal to incorporate agricultural land into a residential curtilage would be likely to conflict with these policies and normally would prove unacceptable.
- In this case, however, the land in question forms part of a small isolated parcel (the remainder of which is the subject of a separate appeal for it to be used for the same purpose) bounded by residential development to the south, west and north and by a public footpath and the extensive grounds of a large house, to the east. These grounds appeared from my site inspection to be largely in domestic use with a tennis court visible quite close to the boundary of the appeal site. The evidence submitted by your neighbour from whom the land was purchased suggests that any agricultural use the land may have had ceased long ago. It is unrealistic, in my view, in the light of the location of this land and its very limited area, to expect it to be capable of a realistic agricultural use. In my opinion, the land makes no

contribution to the Metropolitan Green Belt in this locality as it is surrounded by existing domestic uses. Accordingly, the change of use would not conflict with the policies which apply to this area.

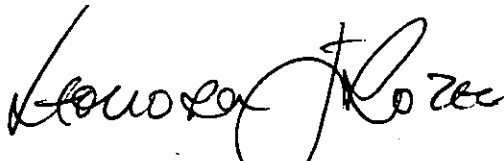
6. The Council have suggested a number of conditions which they would wish to see imposed in the event of permission being granted. As the use has already commenced the standard time condition is unnecessary. I consider the Council retain sufficient control over the introduction of non residential uses to preclude the necessity to restrict the use to purposes incidental to the enjoyment of the dwelling. In view of the location of the site, surrounded by domestic uses, I see no need to remove permitted development rights available under the Town and Country Planning General Development Order 1988. As to the requirement to erect a 1.8 m close boarded fence to protect privacy, I consider the circumstances of this case make such a condition unnecessary as the need for such a fence is a matter between you and your neighbour.

7. I have taken into account all other matters raised in the written representations but find nothing of such weight as to override the considerations which have led to my conclusions.

8. For the above reasons and in exercise of the powers transferred to me I hereby allow this appeal and grant planning permission for the continued use of land to the rear of 23 to 25 Croft End Road, Chipperfield as residential garden in accordance with the terms of application number 4/0205/88 dated 4 January 1988 and the plans submitted therewith.

9. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir and Madam
Your obedient Servant



LEONORA J ROZEE BA(Hons) MRTPI
Inspector