

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other Ref. No.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mr. D. J. Stone,
3 Bowland Crescent,
Dunstable,
Beds.

One dwelling
at adj: Old Watling Street, Flamstead, 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 21st February 1977 and received with sufficient particulars on 2nd March 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 is within an area of 'No Notation' where there is a presumption against further development unless it is essential in connection with agricultural or other special purposes, directly related to the needs of the rural community - no justification has been proven in this case to warrant a departure from this principle.

Dated 31st day of March 19 77

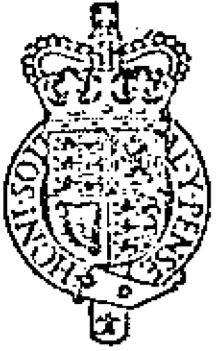
Signed [Signature]

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.

0/39/7.12

h. Doby

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

Telephone 01-928 7855 ext 384

008284

D J Stone Esq
3 Bowland Crescent
DUNSTABLE
Beds LU6 3QD

CHIEF EXECUTIVE
OFFICER

30 DEC 1977

Re Ref.

Re No.

Re No.

Your reference DJS/PJS

Our reference T/APP/5252/A/77/7609/G9

Date

29 DEC 1977

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/0229/77

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 one dwelling on land adjoining No 24 Old Watling Street, Flamstead, Herts. 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 5 December 1977.
2. The appeal site is on the south-western slopes of a ridge in open country about $\frac{1}{2}$ mile north-west of the junction of A5 with the M1 motorway and $\frac{1}{2}$ mile north of Flamstead. It comprises a rectangular plot of unused land with a frontage of 55 ft on the south-west side of Old Watling Street and a depth of about 155 ft. The site is generally well below the level of the road and there is a track on an embankment about 50 ft to the east leading to a single dwelling south of the site. To the west, there is an unbroken ribbon of detached and semi-detached houses stretching for some 350 yds; to the east there is open country for about 300 yds and then a small group of buildings. The land to the north rises to the top of the ridge and is almost wholly in agricultural use except for a single dwelling opposite the site. To the south, the land slopes down to the A5 trunk road.
3. In the approved development plan the site lies in an area not annotated for any form of development; it is also in an area of proposed extension of the Metropolitan Green Belt where for the time being green belt policies are being applied. In the recently submitted structure plan, the site is shown in the proposed extension to the Metropolitan Green Belt which is designed to prevent the outward expansion of London into the open country.
4. From my inspection of the site and from the written submissions, I consider the determining issues in this case to be whether there are any reasons for overriding the green belt policy being applied in this locality and the effect of the proposal on local amenity generally.
5. On the first issue I am satisfied, that pending final decisions on the boundaries of the green belt, the application of green belt policies to this area is justified. Green belt policy implies a strong presumption against any new building except that required for agriculture and certain other defined and limited categories; your proposal does not fall into any of the accepted categories. You suggest that the appeal site does not of itself make any significant contribution to the green belt concept in this locality; but this could be said of almost any small site and if accepted as justification for planning permission the green belt

concept as a whole would soon be seriously compromised by the cumulative effect of such permissions.

6. Apart from green belt considerations, the site lies in a rural area outside the limits of any established settlement, where in my view the council's strict control of development is fully justified and in line with national policy as set out in Development Policy Control Note No 4. The proposed dwelling, particularly if a bungalow, might not be very conspicuous but it would nevertheless be visible from a number of viewpoints as an extension of the existing ribbon further into open country; in any event, the fact that it might not be conspicuous is not sufficient justification for a new house in the country. Nor can I accept that it would represent infilling in any normally accepted meaning of that term, that is development of a plot within a fully established frontage or built-up area. The proposed development would add to the existing sporadic development in the countryside, and would in my view be objectionable on that account.

7. I have carefully considered the guidelines given in Circular 122/73 in relation to this proposal. While there is now no automatic presumption against development for housing of land without notation on the development plan, the preservation of the countryside remains nevertheless an important objective. In previous paragraphs, I have noted that the area including the appeal site is subject to green belt policies and that your proposal would extend the ribbon of sporadic development along Old Watling Street in this rural area; in my view these are compelling planning objections to your proposal within the terms of the guidelines given in the circular. You have not demonstrated any need for a dwelling on this site such as might outweigh the foregoing objections.

8. I note that an application for 2 dwellings on the present site and immediately adjoining land was the subject of a previous appeal which was dismissed by the then Minister in 1969. Each case must be treated on its merits, but in my view the general principles on which the Minister rejected the earlier appeal are equally applicable to the present case. I am unable to accept that there have been any significant changes since that time which would justify my reversing, in effect, the Minister's earlier decision.

9. I have taken account of all the other matters raised in the written representations, but none was sufficiently important as to affect my decision which is based on the considerations outlined in the preceding paragraphs.

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

I am Sir
Your obedient Servant



A H G DOBSON CB OBE MC BA(Cantab)
Inspector