

# Department of the Environment and Department of Transport

Common Services

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19 FEB 1985

File Ref. ....  
Refer to CP0 19/2  
Cleared .....



PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.					Ack.
C.P.O.	D.P.	L.C.	D.C.	Admin.	File
<b>19 FEB 1985</b>					
Received <i>[Signature]</i>					
Comments					

Messrs Oakwood Commercial  
121 High Street  
MARKYATE  
Herts

Your reference  
ML/JD  
Our reference  
T/APP/A1910/A/84/019087/P3  
Date **18 FEB 85**

*[Handwritten signatures and initials: JMB, JCB, 3) JCB, 4) JCB]*

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MESSRS E W TOMBLIN & SONS LTD  
APPLICATION NO:- 4/0239/84

- 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 detached bungalow, with double garage under, on land between 15 and 17 Pickford Road, Markyate. I held a local inquiry into the appeal on 11 December 1984.
- Having heard the evidence and submissions and inspected the site, I find that the issue to be decided is whether the proposal complies with the restrictive policies on development in rural settlements set out in the District Plan, and if not whether the special circumstances of the case are such that planning permission ought to be granted as an exception to those policies.
- In the face of strong pressures for development in the attractive rural parts of the district, Dacorum Council have adopted extremely restrictive policies for the control of such development. Markyate is a small settlement in the north of the district, beyond the Metropolitan Green Belt, and the recently-adopted Local Plan says that planning permission may be granted for small-scale residential development within the main core of the village, but only if the requirements set out in Policy 4 of the Plan are met. The relevant requirement of Policy 4 is that the development should help to meet the housing needs of the rural part of the district, which are defined, in essence, as the needs of homeless people, the elderly or disabled, and of households required to move into the district to satisfy a demand for key workers. The Plan recognises that newly-formed households wishing to stay in the area and people living in unsuitable accommodation also need housing, but the council's case was that the control levels for 1976-86 for the rural area of Dacorum have already been exceeded, so that their needs will have to be met in the urban parts of the district.
- You made no claim at the inquiry that your client's proposal is intended to meet these specialised needs, and it was agreed that the bungalow would probably be beyond the reach of first-time buyers. Instead you argued that the council's policies are illogical and inappropriate to Markyate which is more a town than a village.
- I accept that Markyate, which grew up on Watling Street, is quite unlike places tucked away in the Chilterns like Wigginton or Potten End, but it seems to me that this is a historical distinction which is not relevant to the District Plan's policies for rural settlements, which are intended to preserve their character and protect the intervening countryside.

6. I have some sympathy with your suggestion that the council's policies are illogical as between the "specified villages" in the Green Belt and places beyond it; in response to a question from me, the council's witness agreed that an infill proposal in Bovington, for example, would not have to meet the local needs criteria which apply in Markyate. Nevertheless, policies for all the villages are so restrictive, and the nuances of meaning so fine, that it would be unwise for me to attach a great deal of weight to this apparent anomaly.

7. My conclusion so far as policy is concerned is that your client's proposal is not in accordance with the provisions of the Local Plan, and your arguments did not convince me that those provisions are inappropriate to Markyate.

8. There are special circumstances in this case, however, which might justify making an exception to policy. The appeal site is a vacant plot in a frontage otherwise developed with modern houses, and the council accept that it is an infill site within the main core of the village. As your client explained in evidence, it is vacant because, when the houses on Pickford Road were built by his firm, this site was reserved for an estate road giving access to the land behind. It was proposed to build on that land, part of which is now a recreation ground, but planning permission was refused. Having seen the site, I consider that it is an unsightly feature of an otherwise attractive road of modern houses and well-kept gardens, and at the inquiry Mr Warren made the point that a new house on the site would improve the appearance of the area.

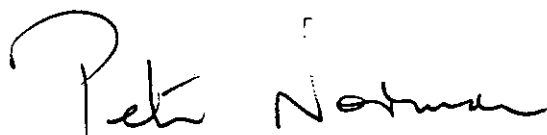
9. Although it could be argued that the benefits to the immediate environment of making use of this untidy plot outweigh the policy considerations, my conclusion on balance is that the Local Plan policy should prevail; this is because both it and the relevant part of the County Structure Plan with which it conforms are so recent (both came into effect in 1984), because the policies are so explicit and unequivocal, and because the pressures which they are designed to counter are so strong.

10. I have taken account of all the arguments put at the inquiry. In particular I noted that, when asked whether it would be possible for any private housing proposal to meet the stringent requirements of Policy 4, the council's witness did not know of any such development which had been permitted by the council in accordance with its terms. It must of course be remembered that the policy has only been in place, in statutory form, for a short time, and it may be that future proposals from the private sector could meet the requirements. This point therefore does not affect my conclusion, but I appreciate that the land is unused at present, and if the owner considers that it is not capable of beneficial use, appropriate statutory remedies are open to her.

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

12. I have reported separately to the Secretary of State on your application for costs.

I am Gentlemen  
Your obedient Servant



P S NORMAN MA MRTPI  
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr M T Leyland DipTP

- Land Development & Planning  
Manager, Messrs Oakwood Commercial,  
121 High Street, Markyate.

He gave evidence himself,  
and called:

Mr D R Tomblin

- A director of the appellant  
company.

FOR THE PLANNING AUTHORITY

Mr K M Pugsley

- Assistant Secretary (Legal), of  
Dacorum Borough Council.

He called:

Mr A E Markham BA(Hons) MRTPI - Senior Assistant Planner, of  
Dacorum Borough Council.

INTERESTED PERSON

Mr C Warren

- 15 Pickford Road, Markyate.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Notice of inquiry and notification list.
- Document 3 - Letter from Mr Warren, dated 11 December 1984.
- Document 4 - Schedule of Developments in Markyate since 1947.
- Document 5 - Observations of the County Surveyor.
- Document 6 - Extract from County Structure Plan.
- Document 7 - Extract from County Structure Plan: Alterations No. 1.
- Document 8 - Extracts from Dacorum District Plan.
- Document 9 - Population Figures.
- Document 10 - Decision letters referred to.

PLANS

- Plan A - The application plan.
- Plans B to E - Appellants' drawings DT1-DT4 showing history of the appeal site.
- Plan F - Location plan, showing other appeal sites in Markyate.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Messrs E W Tomblin & Sons Ltd  
Ver House  
London Road  
Markyate  
Herts

.... Detached bungalow with double garage under  
.....  
at Land between 15 and 17 Pickford Road, Markyate.  
.....

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 1st February 1984 and received with sufficient particulars on 22nd February 1984 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:-

1. The site is within a rural area beyond the Green Belt on the County Structure Plan and the Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension 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 terms of this policy.
2. The proposal is not supported by evidence of local need sufficient to satisfy Policies 4 and 5 of the Dacorum District Plan.

Dated 29th day of March 1984.

Signed *W. B. ...*  
Chief Planning Officer

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.