

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. N. Cowley,
Dell Cottage,
Scatterdells Lane,
CHIPPERFIELD,
Herts.

Messrs. Wm. F. Johnson & Partners,
39A High Street,
HEMEL HEMPSTEAD,
Herts.

..... One dwelling
.....
at Dell Cottage, Scatterdells Lane, 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 7th March, 1978, and received with sufficient particulars on 8th March, 1978, 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 the Metropolitan Green Belt on the County Development Plan and the submitted County Structure Plan Written Statement, where there is a presumption against further development unless it is essential in connection with agricultural or other special local needs - no justification has been proven to warrant departure from this principle.
- (2) The erection of a dwelling as proposed would be an undesirable form of sporadic development taking no account of the layout of surrounding residential properties.

Dated 20th day of April 19 78....

Signed.....

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.

A/31/5.1



Department of the Environment

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Mr D. Cowley

Mr N Cowley
Dell Cottage
Scatterdells Lane
CHIPPERFIELD
Herts

TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
<i>K</i>	23 JAN 1979
FILE No.	4.0257-18
DATE	

Your reference

Our reference

T/APP/5252/A/78/07757/G6

Date

18 JAN 1979

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0257/78

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 the erection of a dwelling on land at Dell Cottage, Scatterdells Lane, Chipperfield. I have considered the written representations made by you and by the council and also those made by Chipperfield Parish Council and by a number of interested persons. I inspected the site on 3 January 1979.
2. From my inspection of the appeal site and the surrounding area, and the representations made, I am of the opinion that the main issues are the effect of the proposed development on the character and residential amenities of the area and whether there is sufficient reason to justify overriding the presumption against residential development in the Metropolitan Green Belt.
3. Dell Cottage is one of a few dwellings set well back from Scatterdells Lane along its north-western side. In general, such backland development appears to be an exception and the main characteristic of this long and narrow cul-de-sac lane is the ribbon of residential development fronting both sides. Open land in agricultural use extends to the north-west, and the vicinity of the appeal site, which lies some distance from the main core of the village of Chipperfield, has in my opinion a semi-rural character.
4. I have noted the planning history of the appeal site and the policy which has been adopted by the local planning authority in the context of residential development in the village of Chipperfield and in the surrounding area. There have been a few limited exceptions, on the whole not of recent origin, where new residential building has been permitted on the lane, but in general this has been confined to infilling in the existing ribbon of development. In my opinion the addition of another dwelling as backland development between your existing bungalow and "Calgary" would add to and consolidate the scattered development which now exists to the rear of dwellings fronting the lane. I consider this would detract from the semi-rural character of this area and would be unacceptable. Furthermore, pedestrian and vehicular traffic to and from the site would increase that now using the access to your dwelling which passes between the curtilages of "Calgary" and "Conway", and such traffic to your dwelling and to "Roseacre" would pass the south-western and north-eastern borders of the appeal site. I consider that the resultant effect would be likely to be a lowering of the level of residential amenity that the occupants of these first 2 dwellings and of the proposed dwelling could reasonably expect.

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971).

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is the Secretary of State or Inspector, as the case may be, has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No. 419), which relate to the procedure on cases dealt with by the Secretary of State, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No. 420), which relate to the procedure on appeals transferred to Inspectors.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

5. I can find no evidence that the proposed dwelling is required in connection with some activity acceptable in green belt land. I have also considered all the other matters raised, including the potential screening of the site, but in my opinion none of these is strong enough to outweigh the considerations that have led me to my decision.

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

I am Sir
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'A H GIBB MBIM', written in a cursive style with a horizontal line underneath.

A H GIBB MBIM
Inspector