

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

Telephone 01-928 7855 ext 383

Messrs F W Tomblin and Sons Limited  
Builders and Contractors  
Vox House  
London Road  
MARKYATE  
Herts AL3 8JP

Your reference

DRE/MM

Our reference

T/APP/5252/A/76/9098/G9

Date

- 4 MAR 77

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR A TIDDERLAKE  
APPLICATION NO:- 433/76D (4/0274/76)

1. I refer to your client's 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 bungalow on land off Old Watling Street, Markyate.

2. From my inspection of the site and surroundings on 9 February 1977, and from my consideration of the written representations made by you, the council and interested persons, I am of the opinion that the decision in this appeal rests primarily on whether the erection of the proposed bungalow would affect the rural character of the area, and whether there are any special personal circumstances which should be taken into account.

3. The appeal site is situated about  $\frac{1}{2}$  mile to the south-east of the village of Markyate in predominantly open countryside on the north-east side of Old Watling Street. It extends in total to about 6 $\frac{1}{2}$  acres of grazing land with 2 buildings in the south-east corner used for storage of agricultural equipment and produce connected with your client's business as an agricultural contractor and forage merchant which he runs from Old School House Farm opposite.

4. The area in which the site is located is shown as being without notation in the approved County Development Plan, but as a result of the First Review to the Development Plan, and the provisions of the non-statutory planning document - Hertfordshire (1981), the local planning authority are exercising development control in rural areas of no notation in accordance with criteria applicable to the approved green belt.

5. Without prejudging the application of green belt policy in such areas pending a final decision on the green belt as a whole, I am of the opinion that if the rural character of the countryside is to be protected - as it should be in the public interest - new residential development, other than that to meet essential agricultural or other appropriate rural needs, should not be permitted outside existing towns and villages unless there are special reasons for doing so. Although there is some residential development of long standing, a motel, and an old farmhouse near the site on the opposite side of the road, I cannot regard it as being appropriately located for residential purposes because the north-east frontage of Old Watling Street and the A5 Trunk Road is predominantly open except for a small amount of sporadic development, including the buildings on the site, and the proposed bungalow would consolidate this development on fairly prominent rising land to the detriment of the mainly open rural scene.

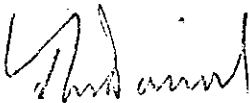
6. Your client is concerned, as a sub-tenant of the county council owned property opposite the site, that he does not enjoy a guarantee of tenure, and if he was forced to

move the security of his valuable equipment and produce stored in the buildings on the site would be jeopardised. However no evidence has been produced to show that your client's father, who is the tenant of the farm, intends to give it up, or even if he did that the county council would not offer it to your client. Moreover, even assuming your client had to move, I do not consider the erection of the proposed dwelling would be justified as it would not be used primarily in connection with an enterprise within the definition of agriculture under Section 290(1) of the Town and Country Planning Act 1971, and the equipment and produce stored in the buildings can be safeguarded by other security measures outside normal working hours, and losses can be covered by insurance.

7. Your client also considers that the permission granted for the 'Executive Motel' nearby creates a precedent for allowing his proposal, but it seems to me the circumstances surrounding these 2 completely different types of development have little in common. I also consider that the proposed developments referred to by the council, and subject to previous appeals, are not comparable in every respect, and I have accordingly judged this appeal entirely on its own merits in the circumstances now prevailing.

8. I have examined all the other matters raised in the written representations, but there is nothing of the weight needed to affect my decision that the proposed development would be harmful to the rural character of the countryside, and there are no special reasons sufficient to override this objection. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant



J M DANIEL DFC MBIM  
Inspector

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning

Ref. No. .... 4/0274/76....

Other

Ref. No. .... 433/76D....

THE DISTRICT COUNCIL OF ..... DACORUM .....

IN THE COUNTY OF HERTFORD .....

To Mr.A.Timberlake,  
Old School House,  
Old Watling Street,  
Markyate,  
Herts.

Agent: Mr.D.R.Tomblin,  
Ver House,  
London Road,  
Markyate,  
Herts.

Erection of a bungalow

at .. land off Old Watling Street, Markyate, 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 ..... 11th March, 1976 ..... and received with sufficient particulars on ..... 15th March, 1976 ..... 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 shown on the County Development Plan as 'No Notation' where Green Belt policies apply i.e. not to allow development unless it is required for agricultural or other special purposes - no justification has been submitted in this case.

Dated ..... 22nd ..... day of ..... April ..... 19 76..

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.