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Common Services

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CHIEF EXECUTIVE
OFFICER

4 FEB 1988

File No.

27 Refer to

1 Cleared

Stimpsons
14A St Albans Road
WATFORD
Herts
WD1 1RX

PLANNING DEPARTMENT					
DACORUM DISTRICT COUNCIL					Your reference
Ref.					Ack.
C.P.O.	D.P.	D.C.	B.C.	Admin.	Our reference
					T/APP/A1910/A/87/72631
Received					Date
- 4 FEB 1988					76321
Comments					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY STRYDAUNCH LTD
APPLICATION NOS: 4/0277/87 & 4/0964/87

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the decisions of the Dacorum District Council to refuse outline planning permission for (a) 3 dwellings on land adjoining "Sandyhurst", Frithsden Copse, Berkhamstead, and (b) one dwelling, also on land adjoining "Sandyhurst". I have considered the written representations made by you and by the District and Parish Councils and also those made by other interested persons. I inspected the sites on 3 December 1987.
- From my inspection of the sites and their surroundings and the representations made I am of the opinion that the main issues in both appeals is whether the proposals would adversely affect the character of the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty.
- I have firstly considered whether there is any justification for a departure from the generally accepted presumption against new development in the Green Belt, except for purposes related to agriculture or other uses essential to a rural area. No such justification exists in respect of either of the proposals.
- I therefore turn to consideration of the visual and physical impact of the proposals on the Green Belt and the AONB. Frithsden Copse is an isolated development of large detached dwellings on substantial plots, most of which pre-date planning legislation. It is my opinion that it would be detrimental to the character of the Green Belt to allow intensification of this development which apart from its physical effect in further urbanizing the area would also result in an increased level of activity.
- I am also concerned as to the effect of the proposal on the landscape of the area. The garden of "Sandyhurst" contains many fine, mature trees, both along the frontage and within the garden itself. The south-eastern end of the garden is particularly wooded. The site frontage is defined by a superb beech hedge. It is my opinion that despite the size of the plots, the proposals would inevitably result in the loss of a substantial number of trees and parts of the hedge, and this would be to the detriment of the visual and landscape quality of the area.
- Whilst I note that permission was granted for one plot (corresponding to plot 3 on the Application Plan) in 1980, this does not convince me that permission should now be given on what is the most densely wooded part of the appeal site. The original proposals for the area were prepared in 1930, well before planning

legislation recognised the value and vulnerability of Green Belts and AONBs. Compliance with that original layout is therefore, in my view, no longer relevant.

7. I therefore conclude that the proposals would be detrimental to the character of the Green Belt and the Area of Outstanding Natural Beauty. I have taken into account all the other matters raised but they do not outweigh the considerations that have led to my conclusions.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

I am Gentlemen
Your obedient Servant

Mary A. McClune.

MARY A McCLUNE DipTP MRTPI
Inspector

AC

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Strydaunch Limited
c/o 'Sandyhurst'
Frithsden Copse
Berkhamsted.

Stimpsons
9 Station Road
Watford
Herts
WD1 1DY

Three Dwellings (Outline).

at Land adjoining 'Sandyhurst',
Frithsden Copse, Berkhamsted, 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 23.2.87 and received with sufficient particulars on 24.2.87 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 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.
2. The adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of this policy.
3. The proposal is not supported by evidence of local need sufficient to satisfy Policy 4 of the adopted Dacorum District Plan.

Dated Ninth day of April 19 87...

Signed 

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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.