

~~Amended~~
Town Planning

Ref. No. 4/0287/86

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Reedpak Ltd
7 The Close
Markyate
Herts

... Detached house and garage
.....
at Land adjacent to 1 George Street, 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 permit the development proposed by you in your application dated 8.2.86
and received with sufficient particulars on 4.3.86
and shown on the plan(s) accompanying such application, subject to the following conditions:—

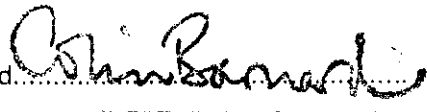
- (1) The development to which this permission relates shall be begun within a period of .5. . . . years commencing on the date of this notice.
- (2) No work shall be started on the development hereby permitted until details of materials to be used externally shall have been submitted to and approved by the local planning authority, and the development hereby permitted shall be carried out in the materials so approved.
- (3) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed by Reedpak Limited, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
- (4) The dwelling hereby permitted shall not be occupied until the garaging and parking facilities shown on plan 4/0287/86 shall have been provided and such facilities shall only be used thereafter for the garaging and parking of motor vehicles.
- (5) The dwelling hereby permitted shall not be occupied until a close-boarded fence 1.8 m high shall have been erected on the whole length of the north-eastern boundary of the site and such fencing shall be retained and maintained at all times thereafter.

- (6) Notwithstanding the provisions of the Town and Country Planning General Development Orders 1977-1985 (or any other revoking or re-enacting those Orders), no fence exceeding 1 m in height shall be erected on the north-western boundary of the site from a point immediately on the back edge of the footway to a point 2.4 m from the back edge of the footway.
- (7) The developer shall construct the crossover to Standards set out in the current edition of Hertfordshire County Council's "Specification for the Construction of Residential Estate Roads" and the development shall not be brought into use until the access is so constructed.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.
- (2) To ensure satisfactory appearance
- (3) To accord with the Policies of the local planning authority to restrict development only to housing and employment needs of local services and local facilities and service needs of individual rural settlements
- (4) To comply with adopted parking standards and to avoid parking on adjacent highways
- (5) In the interests of the amenities of the occupiers of adjacent properties
- (6) In the interests of highway safety
- (7) To ensure safe access to and from the development

Dated..... 15 day of May 19..... 66

Signed..... 

Designation 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, Marsham Street, 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 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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.

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Town Planning

Ref. No. 4/0287/86

Other

Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

SUPERSEDED

To Reedpak Ltd.
7 The Close,
Markyate,
Herts

..... Detached house and garage

at Land adjacent to 1 George Street, 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 permit the development proposed by you in your application dated 8.2.86 and received with sufficient particulars on 4.3.86 and shown on the plan(s) accompanying such application, subject to the following conditions:—

- (1) The development to which this permission relates shall be begun within a period of ... 5 ... years commencing on the date of this notice.
- (2) The materials used externally shall match both in colour and texture those on the existing building of which this development shall form a part.
- (3) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed by Reedpak Limited, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
- (4) The dwelling hereby permitted shall not be occupied until the garaging and parking facilities shown on plan 4/0287/86 shall have been provided and such facilities shall only be used thereafter for the garaging and parking of motor vehicles.
- (5) The dwelling hereby permitted shall not be occupied until a close-boarded fence 1.8 m high shall have been erected on the whole length of the north-eastern boundary of the site and such fencing shall be retained and maintained at all times thereafter.

(6) Notwithstanding the provisions of the Town and Country Planning General Development Orders 1977-1985 (or any other revoking or re-enacting those Orders), no fence exceeding 1 m in height shall be erected on the north-western boundary of the site from a point immediately on the back edge of the footway to a point 2.4 m from the back edge of the footway.

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- (4) To comply with adopted parking standards and to avoid parking on adjacent highways.
- (5) In the interests of the amenities of the occupiers of adjacent properties.
- (6) In the interests of highway safety.
- (7) To ensure safe access to and from the development.

Dated.....15.....day of.....May.....1986.

Signed.....



Designation CHIEF PLANNING OFFICER

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Common Services

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GTN 2074

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ref	DP	DC	BC	Admin	File
C.P.O.					

Received

Comments

20 MAR 1987

Your reference

Our reference

T/APP/A1910/A/86/57492/P3

Date

18 MAR 87

Reedpak Ltd
7 The Close
MARKYATE
Herts

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/0287/86

- As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum District Council to grant planning permission subject to Conditions for the erection of a detached house and garage on land adjacent to No. 1 George Street, Markyate. I have considered the written representations made by you and by the council. I inspected the site on 27 January 1987.
- The Condition in dispute is No. 3 which provides that the occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed by Reedpak Limited, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
- From my inspection of the site and surroundings and from the representations made I am of the opinion that the main issue in this case is whether compliance with Condition No. 3 restricting occupation of the detached house permitted under Dacorum District Council Town Planning Reference No. 4/0287/86 is justified.
- The appeal site fronts onto the north east side of George Street, a quiet residential road not far from the centre of this rural settlement. The site is an almost rectangular piece of land containing a small block of 4 lock-up garages ranged behind a concrete apron flanking the highway; at the back of these dilapidated garages, old rubble and discarded building materials are piled within an open and overgrown yard area. To the north west the site is bounded in part by a fifth lock-up garage that is in separate ownership and occupies the immediately adjoining road frontage. The remainder of the north west boundary adjoins the curtilage of a modern house known as Ridgewood; this semi detached property and the house it adjoins also front onto the north east side of George Street. The south east boundary of the appeal site adjoins the curtilage of the end of terrace house at No. 1 George Street, with similar 2 storey dwellings standing behind the George Street footway beyond.
- The land falls generally north eastwards hereabouts from George Street down to London Road, and the difference in levels is noticeable at the appeal site's north east boundary; here the rearmost part of the site is well above the back gardens of the dwellings on each side, and of the terraced houses fronting London Road. A pair of semi detached houses front onto the south western side of George Street opposite the appeal site, and mostly 2 storey residential development occupies the remaining frontage on that side of the road.

6. The Hertfordshire County Structure Plan (1979) as amended by the Approved Alterations No. 1 to the Structure Plan (1984) apply to the appeal site; these are being reviewed at present and the submitted Review contains policy proposals which the council describe as "material considerations" in considering planning applications. The adopted Dacorum District Plan (1984) setting out policies and proposals in the period to 1991 is the Local Plan applicable to this area.

7. Due to the uncertainty that must currently surround the eventual approval and adoption of the recently proposed changes to strategic policies in this locality, I agree with the council that any suggestion that the disputed Condition should be waived because of those proposed changes would be premature at this stage. Nevertheless, current planning controls lay down that development will not normally be permitted in Markyate unless it conforms with Policy 5 of the District Plan; this allows for small scale residential development within the main core of the village if it meets certain criteria; in my opinion the proposal to which this appeal relates does indeed meet those criteria. Moreover, I take the view that the proposed development would result in a significant benefit. In my judgement the appeal site is now an eyesore and contrasts most unfavourably with its surroundings; surroundings wherein there are many examples of neighbouring occupiers' concern to improve the appearance of their houses which, in turn, has enhanced the quality of this residential locality. In any event, the appeal dwellings' conformity with Policy 5 and the physical suitability of the site is surely already confirmed by the planning permission the council have given.

8. However, development on the appeal site also falls to be considered under Policy 4 and the additional criteria to be found in paragraph 5.7 of the District Plan; the relevant criterion in this case being a household required to move into the District to satisfy a demand for key workers. And, despite that they evidently considered the case put forward to be what they describe as "tenuous", the council nonetheless considered it sympathetically and gave planning permission, albeit with an occupancy Condition; a Condition they liken to that which might be imposed upon a dwelling claimed to be essential for an agricultural worker.

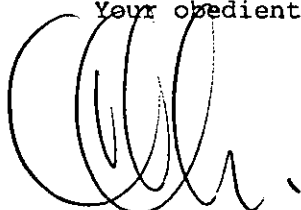
9. But even if the "key worker" argument originally put forward was tenuous as the council say, I do not see this, or the doubts that seem to have been introduced into the council's mind by comments made in the grounds of appeal, as now amounting to sound and clear-cut reasons for retaining Condition No. 3. Nor do I see the circumstances of this case as being parallel to an agricultural dwelling and, as such, amenable to the advice given in paragraphs 80 and 81 of Circular 1 of 1985; on the contrary, as the council point out, paragraph 81 states that the occupancy Condition should never tie the house to occupation by a worker on a particular farm yet, in my opinion, the council have, in effect, attempted to achieve just that. Moreover, in order to justify their action they invoke paragraph 77 of the Circular and submit that it would be extremely difficult to implement "key worker" housing policies contained in the District Plan unless the dwelling permitted in accordance with a specific policy, and which would otherwise have been refused, is not subsequently bound by an occupancy Condition.

10. However, whilst I acknowledge the council's difficulty and the manner in which they have sought to overcome it, I am not satisfied that the circumstances in this case are sufficiently exceptional to justify an occupancy Condition under paragraph 77 of Circular 1 of 1985. Bearing in mind that paragraph states that if the development of a site for housing is an acceptable use of the land - and there is no evidence, rightly in my opinion; to show that such is the case with the appeal site - there will seldom be any good reason on land-use planning grounds to restrict the occupancy; in my judgement the evidence does not show a sufficiently good reason in this case.

11. I have closely examined the previous appeals to which the council have drawn attention; one on this appeal site and the other on a site not far away. The former was dismissed because the Inspector was of the opinion that the proposal before him was not justified as an exception to the District Plan policies and would have been unduly dominant in the townscape; the other case was dismissed because the Inspector concluded that the proposal was not in accordance with the Local Plan. Nevertheless, notwithstanding the council's submission that they would not have granted planning permission in this case without the disputed Condition, there is no hard evidence that the proposed development materially conflicts with current planning policies, or that it has physical shortcomings that cannot be remedied. Therefore, although those previous appeal decisions undoubtedly support the current planning policies for Markyate as the council claim, I find no reason to consider the appeal before me other than upon its individual planning merits. I have, of course, taken account of all the other matters raised in the written representations but conclude they are outweighed by those matters which have led me to my decision.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby allow your appeal and discharge Condition No. 3 of the planning permission granted by Dacorum District Council for the erection of a detached house and garage on land adjacent to No. 1 George Street, Markyate, by Notice dated 15 May 1986 under Reference No. 4/0287/86.

I am Gentlemen
Your obedient Servant

A large, stylized handwritten signature in dark ink, consisting of several loops and a long horizontal stroke at the end.

H C STOW
Inspector