

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Hemel Hempstead Property Co Stimpsons Cruickshank
Nottlers House 14a St Albans Road
Old Bricket Wood Watford

.... Two dwellings and extension of access road
.... (OUTLINE)
at .. Ridgeway Close, London Road, Kings Langley

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
..... 13th March 1985 and received with sufficient particulars on
..... 15th March 1985 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 Structure Plan and Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use or extensions 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 development is unacceptable in the terms of this policy.
- (2) The development, would result in a significant increase in the use of the substandard junction at Ridgeway Close and London Road, to the detriment of highways safety.
- (3) The proposed development would adversely affect a number of prominent mature, protected trees on the site to the detriment of the visual amenity of the area.

Dated 25th day of ... April 19 85...

Signed..... *Wim Bannard*

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

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.

JS Department of the Environment and
Department of Transport



Common Services

Room 1309

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 861

Switchboard 0272-218811

GTN 2074

14169

CHIEF EXECUTIVE
OFFICER

17 OCT 1985

File ref.
 Ref. 290...17/10.
 Cleared

Messrs Stimpsons Cruickshank ~~3/20/85~~
 14A St Albans Road
 WATFORD
 Herts
 WD1 1RX

Your reference

RB/LJA

PLANNING DEPARTMENT
 Our reference
 T/APP/A1910/A/85/033609/P7

Ref. Date		Ack.		
C.P.O.	D.P.	R.C.	Admin.	File
16 OCT 85				
Received		4/ OCT 1985		
Comments 4/0309/85				

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY HEMEL HEMPSTEAD PROPERTY COMPANY
 APPLICATION NO:- 4/0309/85

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above appeal against the decision of the Dacorum District Council to refuse outline planning permission for the construction of an access road, turning head and 2 dwellings and the use of land as amenity space at Ridgeway Close, Kings Langley. I have considered the written representations made by you, by the District and Parish Councils and by interested persons. I inspected the site on 1 October 1985.

2. The appeal site is an area of unused land at the end of Ridgeway Close, a short cul-de-sac off London Road which, at this point, forms part of the A41 trunk road. It is within the Metropolitan Green Belt and I note that you accept that the proposed development would not normally be permitted under the Green Belt policies of the approved Structure Plan or the adopted Dacorum District Plan. While one of the reasons for refusal of the proposed development refers to its impact on the trees on the site which are protected by a Tree Preservation Order, I saw on my site inspection that all of these trees are on the edge of the site. Since the application is in outline only and the proposal would not involve the development of the whole site, I consider that it would be possible to ensure that most if not all of these trees could be retained in the preparation of detailed plans.

3. I therefore consider that the main issues in this appeal are whether there are any special circumstances which would justify the proposed development in spite of the presumption against development in the Metropolitan Green Belt and whether it would have an unacceptable effect on road safety at the junction of Ridgeway Close with London Road.

4. The main argument put forward in support of the proposed development is that the appeal site should not have been included in the Green Belt. There is no dispute however that it is within the Green Belt as defined in detail in the Dacorum District Plan which was adopted only in January 1984. While I acknowledge the points you make in support of your contention that the site should be released from the Green Belt, these points were for the most part known by the council when adopting the Local Plan.

5. Circular 14/84 has been published since the adoption of the Local Plan but its advice does not in my view invalidate the basis on which the proposals of that plan are founded. In particular, the circular states that the essential characteristic of Green Belts is their permanence and that detailed boundaries defined in adopted local plans should be altered only exceptionally. Bearing in mind the fact that, in this case, the local plan was adopted less than 2 years ago I see no reason why the Green Belt boundaries within it should be amended now. In any event, I do not consider that this appeal is an appropriate means of attempting to introduce a change to the proposals of the adopted Local Plan.

6. In relation to the second issue, I saw on my site inspection that visibility to the north-west at the junction of Ridgeway Close with London Road is restricted by a bend in London Road. The difficulties at this junction are increased by the presence of bus stops on both sides of London Road immediately to the north-west and by a second junction on the same side as Ridgeway Close only a few metres beyond the bus stop. In addition, I noted that there is a sharp fall in Ridgeway Close as it approaches London Road and that since Ridgeway Close runs parallel to London Road traffic approaching from the south-east has to make a very sharp turn into it.

7. While I accept that this junction serves only 17 properties at present and that an improved turning area would be introduced as part of the proposed development, I consider that, for the reasons set out above, the junction is so unsatisfactory that even the marginal increase in traffic resulting from 2 new dwellings would be unacceptable. In reaching this conclusion I recognise that no accidents at the junction have been recorded in the last 3 years. This does not, in my view, justify allowing the proposed development which would inevitably increase the risk of accidents at this point.

8. I have taken account of all the matters raised in the representations including the retention of the existing footpath on the site and the willingness of the appellants to dedicate part of it to the council to retain its amenity value. I have also have regard to the advice in Circular 14/85. None of these is sufficient however to outweigh my conclusions on the main issues.

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

I am Gentlemen
Your obedient Servant



M J BRUNDELL BA DipTP FRTPI
Inspector



Department of the Environment

Room 15/03

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218237

Switchboard 0272-218811

GTN 2074

13086

CHIEF EXECUTIVE
OFFICER

27 JUN 1985

File Ref.

Refer to

Cleared

Chief Executive, Dacorum

11/03/85

11/03/85

Herts. HP1 1HH

PLANNING DEPARTMENT

DACORUM DISTRICT COUNCIL

Ref.

C.P.O.

D.P.

LC

Our reference

11/03/85

11/03/85

Date

26/6/85

Received

Comments

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1971

APPEAL BY HENRIEL HEMPSTEAD PROPERTY COL (A PSUEDO).

1. I enclose a copy of an appeal made to the Secretary of State under Section 36 of the 1971 Act. The Council should now complete the questionnaire in respect of this appeal, and return it to me within the next 14 days.
2. The appellant has agreed to adopt the written method. If you agree to this procedure, please submit the Council's statement within four weeks from the date of this letter. You should send a copy of the statement direct to the appellant, or agent and confirm to me that you have done this.
3. The Council should notify immediately local residents and others (eg Parish Councils and Preservation Societies) who may be affected, including those persons or bodies who made representations at application stage. The precise form of notification is for the Council to decide; but the following points are particularly important, and we therefore suggest that the letter indicates

the location of the site and a description of the appeal proposals;

that the appeal is being dealt with by the written procedure;

that they may make their views known by writing to Room at the Department's Bristol Offices, not later than 4 weeks from the date of this letter, quoting the Department's reference number; but that these may only be taken into account if they are disclosed to the Council and the appellant. (With this in mind, you may consider suggesting that it is very helpful if they can provide 2 additional copies which we can forward quickly);

where the appellant's grounds of appeal (on Form TCP201) can be inspected;

where, and approximately when the Council's statement will be available; interested persons should be asked to check by telephone that it is ready before coming to inspect, and advised that they should not delay submitting their own representations if the statement is not available;

that we will send a copy of the decision letter on the appeal only to those who ask for one;

The Council's statement should include copies of the notification letter, and a list of the names and addresses of those to whom it was sent.

4. Can I draw the Council's attention to paragraph 11 and Table 1 of Circular 38/81, concerning the recommended format for the Council's statement. It is important that the Statement clearly identifies the planning policies on which the Council have relied; and you are asked to ensure that the statement indicates, in respect of the site,

whether or not the old Development Plan has been revoked;

the current structure plan situation, including any proposals for alteration or amendment, and the stage these have reached;

the current local plan situation, including subject or action area local plans, any proposals for alteration etc and the stage reached.

5. We shall be looking for the co-operation of all parties in keeping as closely as possible to the time limits set out in the timetable for written representations appeals in Circular 38/81. Please let me know immediately if you anticipate difficulty in submitting your statement within 4 weeks.

Yours faithfully

R.J.S For Mrs H. PRICE.

Town and Country Planning Act 1971
Town and Country Planning General Development Orders 1977 to 1981

For DOE use only

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ref.

Date Received

Ack.

C.P.O.

D.P.

C.

L.C.

Admin.

File

2.1

Appeal to the Secretary of State

- Read the booklet "Planning Appeals: a Guide" carefully before you start to complete this form. The numbers in the margin refer to paragraphs in the booklet.
- Please complete this form clearly and submit in duplicate.

A Information about the appellant(s)1. Full Name(s)..... ~~HEMEL HEMPSTEAD PROPERTY CO. (APSELEY) LTD~~

2.9

2. Address..... ~~NOTTLERS HOUSE OLD BRICKET WOOD HERTS~~Postcode..... ~~AL3 3PD~~

Daytime Telephone Number.....

3. Agent's name (if any)..... ~~STIMPSONS CRUICKSHANK 14A ST ALBANS ROAD~~
~~WATFORD HERTS~~

Agent's address.....

Postcode..... ~~WD1 1RX~~Daytime Telephone Number..... ~~WA 37711~~ Reference Number.....

2.2

B Details of the appeal4. Name of local planning authority ~~DACORUM DISTRICT COUNCIL~~5. Description of the development ~~Extension of access road to form new turning head. Construction of 2 dwellings and garages, use of land as amenity space~~6(a) Address of the site..... ~~LAND OFF RIDGEWAY CLOSE~~
~~LONDON ROAD KINGS LANGLEY~~6(b) National Grid Ref.
(See key on Ordnance Survey Map for Instructions)Grid Letters : Grid Numbers
eg TQ

1.4

7. Date and reference no. of application ~~13th Mar 85~~
~~4/0309/85~~8. Date of decision (if any)
~~25/4/85~~**C Procedure**

2.4

2.8

9. Do you agree to the written procedure? (ie an exchange of written statements with the local planning authority plus a visit to the site by a Planning Inspector.)

Yes ☒ No ☐

(tick the appropriate box)

4.4

If yes, could the Inspector see the whole site clearly from the road, or other public land?

Yes ☐ No ☒

D Supporting documents

- You must enclose a copy of each of the following, with the appeal form. Otherwise, your appeal may be seriously delayed.

- 2.10 - 2.15
- ☒ • the application made to the local planning authority
 - ☒ • any section 27 certificate submitted to the local planning authority;
 - ☒ • the appropriate section 27 certificate for this appeal (*look at the Notes, then tick a box to show which certificate you have enclosed*).
- A ☒ B ☐ C ☐ D ☐ Notice 1 ☐ Notice 2 ☐
- ☒ • each of the plans drawings and documents sent to the authority as part of the application they considered
 - ☒ • the authority's decision if any;
 - ☒ • all other relevant correspondence with the local planning authority;
 - ☐ • a plan showing the site, marked in red, in relation to two named roads (*preferably on an extract from the relevant 1:10,000 OS Map*).
- You should also enclose copies of the following, if appropriate;
 - ☐ • any notice and the appropriate certificate, provided to the local planning authority in accordance with section 26 of the Act;
 - ☐ • (if the appeal concerns reserved matters) the relevant outline planning application (and plans submitted) and permission;
 - ☐ • any other plans, drawings and documents sent to the Council, but which did not form part of the application (*eg drawings for illustrative purposes*)
 - ☐ • any additional plans or drawings, relating to the application as considered by the Council ONLY, but not previously seen by them. You must send 2 copies of these. Number them clearly and note the numbers here

E. The Appeal

Please set out on page 3 the full grounds of your appeal and sign the declaration below:

*I/We Appeal Against

- 1.3
- A the decision of the local planning authority
- (a) refusing/granting subject to conditions, planning permission for the development described above;
- (b) refusing/granting subject to conditions, approval of the matters reserved under an outline planning permission.
- (c) refusing to approve any matter (other than those mentioned in (b) above) required by a condition on a planning permission.
- B the failure of the local planning authority to give notice of their decision within the appropriate period on an application for permission or approval

*I/We confirm that I/We have enclosed a copy of each of the supporting documents indicated above and that I/We have clearly marked the relevant plans.

Signed STIMPSONS CRUTCKSHANK (on behalf of) Hemel Hempstead Prop Co

Name (in block letters) STIMPSONS CRUTCKSHANK Date 17th June 1985

*Strike out the items that do not apply in your case.

Grounds of appeal : this should be a clear and concise statement of your full case.

1. It is submitted that this site is wrongly included in the Metropolitan Green Belt. It is positioned at the end of an established line of development between the railway and the A41. These two transport routes cross just beyond the appeal site which logically relates it to the established line of development. As can be seen from the plan marked A the Green Belt boundary follows the line of the railway apart from a large residential area in Apsley and it is logical that it too should follow the railway rather than the road in respect of the appeal site.

The Green Belt boundary was altered in respect of land on the other side of the A41 to allow for the possible expansion of the industrial user. The area deleted from the Green Belt is that referred to as In (48b) on the plan I have marked B. The new boundary follows no logical physical feature on the ground.

2. The proposal would not result in a significant increase in traffic. Only two new houses are proposed. Furthermore, the proposal involves the introduction of a turning head ~~where~~ none of adequate dimension exists at present, thereby enabling vehicles to turn so improving highway safety. In any event planning permission has in the past been granted for the erection of 24 garages on the site (W/1661/62 in 19/2/63).
3. The proposal has been designed to avoid the trees which are all sited along the site boundaries.