

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

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To  
 Mr C G Dunham  
 41 High Road  
 Soulbury  
 Leighton Buzzard

..... Single dwelling and double garage .....

.....

at ..... Adjacent Kite End, Hudnall, Little Gaddesden .....

.....

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 ..... 12th March 1985 ..... and received with sufficient particulars on ..... 20th 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 a rural area beyond the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for development 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 therefore unacceptable.
- (2) The adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policies of the local planning authority seek 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 terms of these Policies

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

Signed..... *Wim Bamford* .....

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, 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.
- (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.

# Department of the Environment and Department of Transport



Common Services

Room 1309

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 865  
Switchboard 0272-218811  
GTN 2074

14840

DEPUTY EXECUTIVE  
OFFICER

23 DEC 1985

File No.

Number

Number

Mr C G Dunham  
41 High Road  
Soulbury  
LEIGHTON BUZZARD  
Bedfordshire  
LU7 0BT

Your reference

PLANNING DEPARTMENT			
Our reference			
T/APP/A1910/A/85/036146/P7			
Ref	Date	Ack.	
C.P.O.	20 DEC 1985	Admin.	File
Received		23 DEC 1985	
Comments			

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO: 4/0327/85

- As you know I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a single dwelling with double garage on land adjacent to "Kaim End", Hudnall Common, Little Gaddesden. I have considered the written representations made by you, by the council, and also those made by an interested person. I inspected the site on Tuesday 12 November 1985.
- From my inspection of the site and its surroundings and the representations made I consider that my decision in this case must turn on whether an essential and special need exists which would warrant setting aside the approved policies of the planning authority.
- The appeal site which is roughly rectangular in shape is rough grazing land of about 0.14 hectares in area. It forms the northern part of a paddock which lies between "Kaim End" and Hudnall Lane, Little Gaddesden.
- I am aware that you have made 3 previous applications to erect a dwelling on the appeal site and that all were refused on rural area policy grounds. In the case of the 1981 application the proposal was also regarded as being contrary to Policy 4 of the District Plan.
- The appeal site is located in a rural area beyond the outer boundary of the Metropolitan Green Belt on land which lies within the "Chilterns Area of Outstanding Natural Beauty" wherein planning policies are aimed at the maintenance and enhancement of the rural environment, the encouragement of agriculture, and the conservation of wildlife.
- Although you have suggested that the provision of a dwelling on the appeal site would "round-off" existing development at Hudnall I am in no doubt that, in a planning context, your proposal does not constitute either "rounding-off" or "in-filling".
- The site forms part of a paddock in an area of great amenity value and I am unable to accept your submission that the development you propose would improve the character of the local environment and that failure to implement it would result in dereliction.
- You have claimed that you are licenced by the Forestry Commission to undertake forestry work at Hoo Wood, which is a plantation of some 30 hectares lying about

one mile to the north-west of Hudnall, and you contend that it is essential for you to live near to your forestry work. However, I have noted that in 1982 when you were proposing to build a house at Hoo Wood the Forestry Commission advised that it would be very difficult to justify the provision of a dwelling for such a small area of woodland, as the wood could only provide work for part of the year.

9. The opinion expressed by the Forestry Commission endorses my view that the erection of a dwelling on the appeal site in connection with the forestry management of Hoo Wood is not warranted.

10. Having taken into account all of the matters raised in the representations, and having regard to the advice contained in Circular 14/85, I have concluded that your proposal would be detrimental to the local amenity and that any favourable facets it might have are substantially outweighed by sound and well-established planning policies aimed at the protection of the rural environment against inappropriate development.

11. 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 'W H Farrow', with a long horizontal flourish extending to the right.

W H FARROW CBng FICE FIHT  
Inspector