



DACORUM BOROUGH COUNCIL

To J Armstrong Esq
Cell Park
Markyate Cell
Markyate
Herts

Faulkners
49 High Street
Kings Langley
Herts
WD4 9HU

.... VEHICULAR ACCESS, GATES AND WALLS

at .. MARKYATE CELL, WALTING 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 refuse the development proposed by you in your application dated
.... 1 March 1990 and received with sufficient particulars on
.... 2 March 1990 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

The new gateway due to its prominent location and grandiose design will be detrimental to the historical importance and interest of the existing gateway which is related to the lodge and an avenue of mature trees. Whilst an additional access from the north exists, there is not sufficient justification for a new access which will affect the setting of Markyate Cell, a grade II* Listed Building.

Dated 4 day of June 1990

Signed

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 the date 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.



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

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PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

GTN 1374

Messrs Faulkners
49 High Street
Kings Langley
Hertfordshire
WD4 9HU

PLANNING DEPARTMENT					ACK.	
PLANNING	FORM	D.P.	D.C.	B.C.	Admin.	File

20 SEP 1991

Your reference

4/12871

Our reference

T/APP/A1910/A/90/172765/P8

Date

19 SEP 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR JAMES ARMSTRONG
APPLICATION NO: 4/0329/90

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for a vehicular access, gates and walls, Markyate Cell, Cell Park, Watling Street, Markyate, Hertfordshire. I have considered the representations made by you and by the Council and also those made by the Markyate Parish Council and by the Department of Transport, including those made directly to the Council and forwarded to me. I inspected the site on 2 August 1991.

2. From my inspection of the site and its surroundings, and my consideration of the representations, I have come to the conclusion that the decision in this case turns upon first, whether the proposed access would significantly enhance road safety, and second, whether due to its prominent location, the form of the entrance would be detrimental to the setting, and hence the historical importance and interest of, the existing entrance.

3. On the first issue, The Secretary of State for the Environment, in paragraph 6 of his decision letter relating to your client's earlier appeals (APP/A1910/A/90/151019 & E/90/805937), accepted that a new entrance at the appeal site would represent a significant improvement with respect to traffic hazards. However, he considered that this improvement would only be effective if the existing access were to be closed. You confirm that your client has no objection to steps being taken to prevent traffic leaving the site by the existing access. However, in the comments upon the conditions proposed by the Council, you request that I consider whether it would be acceptable for traffic to continue to enter the estate by way of the existing access.

4. I observed that the A6 is very busy at this point, with vehicles approaching the existing access at a very high speed. Further, to the north west of Red Cow Farm, the A6 is narrower and curves. Thus slow moving and bulky farm vehicles slowing and standing in order to turn into this access would block the road, to the hazard of vehicles approaching from the north west. In contrast, the proposed access is on a straight stretch of wide carriageway, allowing greater warning of slowing and turning traffic to vehicles approaching from the north west. Further, light vehicles approaching from the south east should be able to pass on the inside of turning traffic, reducing inconvenience and hazard. Due to the narrowing of the

100%



RECYCLED PAPER

carriage-way at Red Cow Farm, they could not so pass at the existing access. I have therefore concluded that the existing access should be fully closed. As you have requested me to consider leaving this access open, I understand that your client is willing to accept a condition requiring its total closure. In that circumstance, I accept that the proposed access would significantly enhance road safety.

5. On the second issue, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building, special regard will be paid to the desirability of preserving its setting. In paragraph 3 of the aforementioned decision letter the Secretary of State for the Environment accepted that the existing gate piers, entrance gates and walls are covered by the statutory listing. In paragraph 4 of that letter, the Secretary of State concluded that they are of intrinsic historical interest and architectural merit, and are of importance nationally as well as regionally and locally. I have therefore concluded that it is desirable to preserve their setting.

6. In my opinion, due to their relative positions, the proposed entrance would not be seen together with the existing entrance from outside the park. From inside the park, both would just be visible from the drive, but to such a limited extent that I am unable to accept that the new entrance would have a significant visual impact upon the setting of the existing entrance. The Council are also concerned that by virtue of its position, the proposed entrance would affect the historical setting, importance and interest of the existing one. To my mind, in view of the relationship between the park, the drive, the avenues of trees and the existing entrance, it will still be evident that the existing access was formerly the principal access. Therefore it will retain its historical significance, despite being superseded. I consider that for the same reason the access at the southern end of the park retains its historical significance and setting, even though it has been blocked for more than half a century. I have therefore concluded that the form of the proposed entrance would not be detrimental to the setting, or the historical importance and interest of, the existing entrance.

7. In considering the new entrance, I have also taken account of the setting of Markyate Cell. Because of the historical importance and character of this great house and its associated estate, I consider it to be appropriate that the main entrance to the grounds and house is an impressive, and even grandiose, structure. An unimpressive, or low key approach, would to my mind diminish the setting of Markyate Cell, as it would not be worthy of it, and be inappropriate to its historical status. Hence I have concluded that due to its imposing design, the new entrance is appropriate to the setting of this important Grade II* listed building.

8. Of the conditions proposed by the Council, I have already discussed No. 2. To my mind the safety of traffic is paramount along Trunk roads. Hence I consider that Nos. 3 and 4 are necessary in order to ensure that the design and construction of the new access does not threaten the safe passage of traffic along the A6, a Trunk road. I regard No. 5 as being essential, for although the submitted drawings indicate an acceptable design, there are insufficient details on the drawing to ensure that the design details of the entrance are worthy of the setting of Markyate Cell. In order to ensure that the details do not harm the setting of this listed building, I am adding a requirement that in addition to schedules, the working drawings for the entrance shall be approved by the Council.

9. I have considered all other matters raised, including the appellant's refusal to enter into a Section 106 agreement with respect to the repair of the entrance gates, walls and gate piers, an agreement I regard as being un-necessary in view of the Council's powers to serve a Repairs Notice, and I find that none of these is of such import as to override the conclusion on the major issue that has led to my decision.

10. For the reasons given above, and in exercise of the powers transferred to me, I hereby allow your appeal and grant planning permission for a vehicular access, gates and walls, Markyate Cell, Cell Park, Watling Street, Markyate, Hertfordshire, in accordance with the terms of the application No. 4/0329/90 dated March 1990 and the plans submitted therewith subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.
2. the existing access on the north western Boundary of "The Cell" is to be permanently closed and reinstated in accordance with the Department of Transport standards and specifications and under the direction and supervision of the County Surveyor's office within 3 months of the new access being constructed.
3. the new access is to be constructed in accordance with Department of Transport standards and specifications and under the direction and supervision of the County Surveyor's office.
4. no work is to commence upon the new layout until approval has been given by the County Surveyor to the proposed working methods.
5. the walls and gates hereby permitted shall be constructed and finished in accordance with detailed working drawings, and a schedule of materials and finishes, including the bonding, which shall be submitted to and approved by the local planning authority before development is commenced.

11. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or granted conditionally, or if the authority fails to give notice of its decision within the prescribed period. The developer's attention is drawn to the enclosed note relating to the requirements of the Buildings (Disabled People) Regulations 1987. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of The Town and Country Planning Act 1990.

I am Gentlemen
Your obedient Servant,



GEOFFREY S S LANE, DiplArch DiplTP RIBA MRTPI
Inspector



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Dated 4 day of June 1990

Signed *Wm B. Smith*

SEE NOTES OVERLEAF

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I am Gentlemen
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GEOFFREY S S LANE, DiplArch DiplTP RIBA MRTPI
Inspector