

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Helix Construction
1 Old Weavers Place
Tring
HertsSingle storey extension to and change of use of coach
house and stable to dwelling rear of
at Fendley House, Cow Roast, Tring, 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 17 March 1982 and received with sufficient particulars on 19 March 1982 and shown on the plan(s) accompanying such application..

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

The site is within an area without notation on the Approved County Development Plan and in an area referred to as being within the extension of the Metropolitan Green Belt in the Approved County Structure Plan (1979) and the Dacorum District Plan, wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension 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.

Dated 6 day of May 1982

Signed *Colin Baird*
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, Whitehall, 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 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

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*CP 1) Mr Betambran
2) T. Woodcock
3) Mr Betambran
4) Team 2.*

*Please return to Mr Betambran
for reporting to next Committee*

Helix Construction
Fendley Mews
Cow Roast
Near TRING
Herts

CHIEF EXECUTIVE
OFFICER

21 FEB 1983

Your reference					
- PLANNING DEPARTMENT					
- DACORUM DISTRICT COUNCIL					
Our reference					
RW/APP/5252/A/82/10682/PH3					
Ack.					
C. Date	D.P.	D.C.	B.C.	Admin.	File
Received <i>H.W.</i> 21 FEB 1983					
Comments					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/0336/82

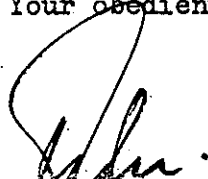
1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of an extension to, and the conversion of, a coach house and stables to a dwelling at the rear of Fendley House, Cow Roast. I have considered the written representations made by you and by the council and also those made by the Northchurch Parish Council and one interested person. I inspected the site on 18 January 1983.
2. From my inspection of the site and its surroundings and from the written representations made I am of the opinion that the main consideration in this case is whether or not there are very special circumstances which would justify an exception being made to Green Belt policy.
3. The site is within the extension to the Metropolitan Green Belt in the approved County Structure Plan. It is also within the Chilterns Area of Outstanding Natural Beauty. You do not contend that the proposed development would be an appropriate use in the Green Belt and so the onus is on you to show that there are very special circumstances.
4. You describe the coach house and stables which you wish to convert as being "semi-derelict". I concur. In fact it seems to me that to make an acceptable dwelling they would have to be virtually rebuilt rather than converted. You do not suggest that the building has ever been used as a dwelling so I have formed the view that I should consider your proposal as being for a new dwelling where none has previously existed. In my opinion your contention that Fendley House was once divided into 6 flats is irrelevant to my consideration of your present proposal.
5. You suggest that the building is important because it forms a flank to a site which as a whole is of architectural merit. This argument might carry more weight in my assessment of the case if what was apparently once a farmyard was being treated as a whole. This is not the case however; the house itself is being converted to 3 dwellings; the former cow sheds have been converted into a bungalow which turns its back on the farmyard, having no doors or windows overlooking the yard; and the wooden barn to the south-west of the yard gets no mention at all. In any case it does not seem to me that conversion to a dwelling is the only way to preserve the building and thus the enclosure of the yard; you dismiss as out of the question the suggestion that the building could be used as ancillary to the 3 dwellings but I am not convinced that this is so.

6. You cite instances of alleged inconsistency on the part of the local planning authority but they do not appear to me to have any relevance to this case which I must decide on its own merits. Nor do I find any relevance in the undisputed fact that there is considerable commercial activity along the A41 in the vicinity of Fendley House.

7. I have taken into account all the other matters raised but do not consider that any of them amount to a sufficient justification for making an exception to Green Belt policy in this case.

8. For the above reasons and in exercise of the powers transferred to me, I hereby /
dismiss your appeal.

I am Gentlemen
Your obedient Servant



P/G TYLER OBE
Inspector