

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To

Applicant:
Mr & Mrs B. Bishop,
Chimanimani,
Aldbury,
Herts.

Agent:

Richard I Onslow Esq.,
29 Park Road,
Tring,
Herts.

..... Bungalow

at Rear of "Chimanimani", Toms Hill Road, Aldbury

Brief
description
and location
of proposed
development.

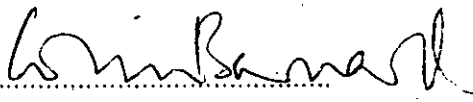
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 28.2.83 and received with sufficient particulars on 11.3.83 and shown on the plan(s) accompanying such application..

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

The site is without notation on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension of existing 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 19th day of May 19 83....

Signed.....


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

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref. BS2 9 DJ				Ack.	
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0272 218 870					
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Your reference R10/SM/234 Our reference T/ADD/A1910/A/83/4459/PE4 Date 29 NOV 83					

Richard Onslow Esq DipArch RIBA
29 Park Road
TRING
Herts

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS B BISHOP
APPLICATION NO:- 4/0354/83

1. As you know, I have been appointed by the Secretary of State for the Environment to determine, the above mentioned appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for the erection of a new bungalow on land at the rear of Chimanimani, Toms Hill Road, Aldbury, Herts. I have considered the written representations made by you and by the council and also those made by an interested person. I inspected the site on 31 October 1983.
2. The appeal site is part of the rear garden of your clients' property, "Chimanimani", which is a detached house fronting to Toms Hill Road, not far from its junction with Trooper Road. Access to the site, which is mainly used as a kitchen and fruit garden, would be by an existing accessway emerging to Trooper Road at the side of the Aldbury Garage; that garage adjoins the site to the west and to the south and east are the gardens of other properties.
3. From my inspection of the site and its surroundings and from the written representations which have been made the main issues in this case appear to me to be whether or not the proposed development would be contrary to the policies of restraint on development contained in the approved County Structure Plan and the deposited Dacorum District Plan; and, if so, whether the reasons you have given justify an exception to those policies in this instance.
4. You have explained that the bungalow would be for occupation by Mr and Mrs Bishop who have considerable ties with the village, Mrs Bishop having lived there all her life. Mr Bishop is 76 years old and suffers from arthritis which makes it increasingly difficult for him to climb stairs and to maintain the large garden. In addition the maintenance of his present house is becoming financially burdensome. There is no suitable bungalow in the village and Mr and Mrs Bishop are extremely reluctant to leave it.
5. You contend that the site is particularly suitable because it is screened by existing trees and there is an existing road access. The development may be compared with No 27 Trooper Road, built in recent years, and while concern has been expressed that a precedent would be set for backland development further up Toms Hill Road this proposed development would seal off the only suitable access.

6. I accept that the site is secluded and it does not appear that its development would be likely to have a significant adverse effect on the occupants of adjoining properties. I have also noted that although the existing access under your clients' control is quite narrow in places and already serves 3 garages, the local planning authority have not raised objection to it. However, the absence of objection on those grounds does not, in my view, diminish or off-set the authority's substantive objection which is that the proposed development would run counter to the relevant policies of the County Structure Plan and the District Plan. The local planning authority have stated that both Structure and District Plan policies seek to restrict development within the rural area of the county beyond the green belt in much the same way as within the green belt itself and they have quoted District Plan Policy 2. This provides that in such areas planning permission will not be granted "except in very special circumstances" unless the development is for the purposes of agriculture or forestry, for leisure purposes or for other uses appropriate to a rural area. The authority have also stated that whereas policies 4 and 5 of the District Plan relax the policy in respect of some larger villages to enable specific urgent housing needs and needs for specific facilities and services to be met, the listed villages do not include Aldbury.

7. In my opinion the proposed development does not fall within any of the categories of acceptable development referred to in policy 2 of the District Plan, which appears to be consistent with the approved County Structure Plan. That being so, and in the absence of any relaxation of the policy of restraint in relation to the village of Aldbury, it appears to me that approval of the residential development here proposed would be contrary to that policy, as contained in the Plans. In this instance there are the special circumstances of Mr and Mrs Bishop to which you have referred but, while I have considerable sympathy with them, I do not consider that those circumstances warrant setting aside the established policy. Although it may be argued that a permission given on the basis of personal circumstances would not establish a precedent I consider that it is to be borne in mind that the development here proposed would be of a permanent character and may be expected to remain long after the personal circumstances of your clients have ceased to be material.

8. I have taken into account all other matters raised in the written representations, including your contention that No 27 Trooper Road provides a precedent for development of this kind within the village boundaries. As the local planning authority have explained that bungalow was permitted as a replacement dwelling in October 1973 when the policies of restraint were pursued with less vigour and in my view a permission given some 10 years ago in those circumstances is not sufficient reason for making an exception from the policy now current. In my opinion none of those other points is sufficient to outweigh the considerations which have led to my conclusion.

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

I am Sir

Your obedient Servant



R T SCOWEN
Inspector