

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To E A Sursham Trust
C/o D Campbell
Barbreck House
Lochgillphead
Argyll Scotland

M P L Barran
64 St Marks Road
London
W1D 6NN

.... ONE DWELLING, GARAGE AND STABLE ANNEX WITH FLAT ABOVE ..
.....
at .. LAND BETWEEN "BEECHURST" AND "APRIL COTTAGE"
... GADDINGTON COMMON, 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
..... 28. February 1990 and received with sufficient particulars on
..... 8. 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:—

1. The site of within a rural area beyond the Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use 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.
2. The proposal would extend the built up area of the small cluster of dwellings located at Caddington Common to the detriment of character of this rural area which adjoins the Chilterns Area of Outstanding Natural Beauty.

Dated 10 day of May 1990

Signed.....

Wm Barran

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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

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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL					
Ref.					Ack.
Mr Marius Barran	Mr P. J. D. P.	Mr P. J. D. P.	Mr P. J. D. P.	Mr P. J. D. P.	Mr P. J. D. P.
Chartered Architect					
64 St. Marks Road					
London W10 6NN					
Received 22 JAN 1991					
Comments					

Your Reference: CC/1

Our Reference:

T/APP/A1910/A/90/170910/P7

Date: **21 JAN 91**

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPEAL BY E A SURSHAM TRUST C/O D CAMPBELL
 APPLICATION NO: 4/0361/90

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for a single dwellinghouse with 5 first floor bedrooms and 2 attic rooms, a garage and stable annexe with a staff flat above on land between Beechurst and April Cottage, Caddington Common, Markyate. I have considered the written representations made by you and by the Council and also those made by the Markyate Parish Council, other parties and interested persons to the Council at the application stage. I inspected the site on 14 January 1991.
2. From my inspection of the site and its surroundings and my examination of the representations submitted, I consider that the main issue in this case is whether the proposed development would unacceptably harm the aims of the Council's countryside policies.
3. The structure and local plan policies drawn to my attention by the Council essentially seek to restrict development within the rural areas beyond the Green Belt, such as the area in which the appeal site lies, to that necessary for agriculture, forestry or other purposes appropriate to a rural area. Among the aims of these policies which I find worthy of support are the preservation of areas of open countryside and the protection of the landscape.
4. The Council argue that the proposed development of the approximately 1.1 ha field that forms the appeal site would extend the small cluster of dwellings at Caddington Common to the detriment of the rural character of the area, which adjoins the Chilterns Area of Outstanding Natural Beauty. On the other hand, you contend that the proposal amounts to infilling in sympathy with the existing houses on either side of the site.
5. In my view, the row of relatively small dwellings fronting Caddington Common to the south-east are a cohesive group whereas the house and stable block at Beechurst to the north-west appear as isolated buildings within open and wooded surroundings of which the appeal site essentially forms part. In these circumstances, I regard the substantial house and ancillary accommodation proposed not as infilling in the accepted sense of filling a

small gap in an otherwise built-up frontage but rather as the introduction of an imposing group of buildings in the countryside here.

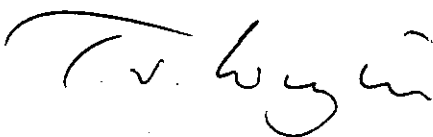
6. I recognize that the proposed buildings would be largely screened from longer views from the adjacent highway by existing trees. However, seen from Caddington Common across the extensive site frontage, I consider that, although intrinsically attractive and diverting attention from the prominent electricity transformer pole on the site, they would appear as an unwarranted intrusion in the essentially rural landscape particularly when the deciduous planting here is not in leaf. I note that the rear part of the site would be used as a paddock but the front part would evidently be a largely lawned garden, the more domestic appearance of which I find would add to the intrusive effect of the development.

7. I fully appreciate the desire of the proposed occupier to maintain his family's strong and old connections with Markyate and the surrounding area. However, I cannot regard this as an appropriate rural purpose and I do not find it a sufficiently compelling reason to override the objections to a new house and ancillary accommodation in the countryside here. I also understand your contention that the site is too small for viable agricultural use but I note that it has evidently been used for grazing, apparently by a local farmer, for many years. In all the circumstances, I have reached the conclusion that the appeal proposal would unacceptably harm the Council's countryside policy aims I have referred to for the reasons I have given.

8. I have taken into account all the other matters raised in the representations, including the disputed ownership of the site, but I find that none of these outweighs the conclusion I have reached on the main issue in this case.

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



T J WRIGHT ARICS
Inspector