

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning

Ref. No. 4/0373/75

Other

Ref. No. 570/75D

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Miss E.K.Rodwell,
Rodmead,
Gubblecote,
Herts.

Dwelling house

at 'Astrope', Nr. Long Marston, 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 12th April, 1975 and received with sufficient particulars on 17th April, 1975 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 shown on the County Development Plan as 'No Notation' where Green Belt policies apply i.e. not to allow development unless it is required for agricultural or other special purposes - no justification has been submitted in this case.

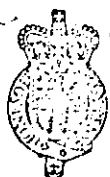
Dated 3rd day of July 19 75

Signed.....

Director of Technical
Designation Services.....

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

Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 342

J E Baker Esq
43 Perry Street
WIMBORNE
Dorset

Your reference

Our reference

T/APP/1232/A/16/132/ST
Date

22 JUN 1976

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MISS E K RODMELL
APPLICATION NO:- 4/0373/15

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council, to refuse the renewal of planning permission for the erection of one dwelling at Astrope, near Long Marston, Herts. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on Wednesday 5 May 1976.
2. From my inspection of the site and its surroundings and the written representations made, I consider that the determining issue in this case is whether the proposed development would be detrimental to the visual amenities of the mainly open surroundings in an area where it is intended that green belt policies shall apply.
3. You submit on behalf of your client that she does not wish the appeal site to become derelict now that, because of advancing years, she is no longer able to attend to the orchard which it comprises. You point out that the site originally had the benefit of a planning consent for a dwelling thereon, granted in 1954, and subsequently the details arising from this planning permission were approved in 1972. No further action, however, was taken to implement this approval of details and the local planning authority are considering the application now under appeal "in the light of altered circumstances". You maintain that planning circumstances have not altered in this particular case since the details were approved in 1972. The County Development Plan should have indicated the residential status of the appeal site as the original planning permission of 1954 was granted long before the Development Plan was prepared. Your client is a dependant of "persons wholly employed in agriculture" but is unwilling to have the appeal site subjected to this kind of restriction as she has no relatives to whom to pass on the dwelling and, if it were so restricted, it could become virtually useless. You point out that this application could result in an additional dwelling, thereby increasing the housing stock in these times when there is a scarcity of development land and a pressing need for homes. There have been no objections from local residents to the proposal during the 23 years when the previous permission was extant.
4. The council has the greatest sympathy with your client's personal circumstances but points out that, in the First Structure Plan, the appeal site lies within a proposed extension to the Metropolitan Green Belt. In the meantime, pending approval of this proposed extension, the site lies in an area without notation where-in green belt restrictions on development apply. Outline planning permission was granted in 1954 for a dwelling to be erected on the appeal site. The reserved matters of this permission were approved in 1972 but, by virtue of section 42 of the Town and Country

Planning Act 1971, the permission lapsed in September 1974. The council contend that there is no shortage of land in the County or District to satisfy foreseen demands until 1981 and land is available for the construction of some 35,000 dwellings which, taking into account the building rates over the last 5 years, represents 7 to 8 years supply. Furthermore, if any additional land surplus to this estimate were to be required, the interests of rural amenities would suggest that this should be found adjacent to urban areas rather than in the open, rural countryside. The construction of a new dwelling on the appeal site would materially detract from the rural qualities of the area in a manner directly contrary to the objectives of the local planning authority and to the advice given in Development Control Policy Note No 4 - Development in Rural Areas. Both these, in the interests of the community, are against the intensification of sporadic development or isolated groups of houses in rural areas. No agricultural justification was submitted on behalf of your client although the council recognises her lifetime association locally with agriculture. She owns land which is now farmed by others and it is clear that she does not need the proposed new dwelling for agricultural purposes nor to replace a dwelling elsewhere for an agricultural worker. The council sees no reason why your client should not continue to live in her present house and, still less, any reason to justify this new dwelling in the countryside.

5. The council's policy to restrict further development in the rural countryside, which accords with national policy stated in Development Control Policy Note No 4, is one that merits unqualified support and I subscribe to it fully. In this particular case, however, planning permission relating to the appeal site was extant in 1972 and only became time expired in September 1974 because your client had taken no action to implement the approval of details granted in September 1972. The application which is the subject of this appeal was submitted in April 1975, only 8 months after the expiry of the previous planning permission and I consider that it would be unjust to take no account of this situation. Your client obviously expected that the lapsed planning permission would be renewed, as no material change of planning circumstances had occurred since 1972 when a permission relating to the appeal site was still extant. Bearing in mind your client's long association with the locality, the fact that she assisted her late brother in his farming activities and that no local residents have objected to her proposal, I consider that this is a case where an exception to the prevailing policy is justified without establishing a precedent for similar development in the neighbourhood in view of the special issues involved. I have taken into account the other matters raised but, in my opinion, these do not outweigh the above considerations.

6. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the renewal of planning permission for the erection of one dwelling at Astrope, near Long Marston, Herts in accordance with the terms of the application (No 4/0373/75) dated 12 April 1975 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

7. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971. Your attention is particularly drawn to the provisions of section 277A of the Town and Country Planning Act 1971, (inserted into the Act by the Town and Country Amenities Act 1974 which came into operation on 31 August 1974) which require consent to be obtained prior to the demolition of any buildings in a conservation area.

I am Sir
Your obedient Servant

D.G. Parker

D G PARKER OBE MA (Oxon)
Inspector



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Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext. 342

J E Baker Esq
43 Perry Street
WENDOWER
Bucks

Your reference

Our reference

T/APP/5252/A/76/138/G7

Date

22 JUN 1976

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MISS E K RODWELL
APPLICATION NO:- 4/0373/75 - (570-75D)

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