



37X/7.11
Department of the Environment

Room 14/11

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 918

Switchboard 0272-218811

Hellerman Trustees
9 The Parade
WATFORD
Hertfordshire

Your reference

Our reference

T/APP/5252/A/79/5814/G2

Date

28 DEC 79

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO. 4/0392/79

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 erection of a 4-bedroomed house on land adjoining 14 Highcroft Road, Hemel Hempstead, Hertfordshire. I held a local inquiry into the appeal on 16 October 1979.
2. I note that the appeal site comprises approximately $\frac{1}{2}$ acre with a frontage of some 57 ft onto Highcroft Road. This is a privately maintained and largely unmade cul-de-sac approximately $\frac{1}{4}$ mile in length extending into open countryside on the east fringe of the village of Felden. The road is developed on both sides with some 25 properties, on spacious plots with an average frontage of approximately 100 ft. The rural character of the road is enhanced by semi-mature trees and hedges along the frontages and between gardens. The appeal site is at present used as a private garden in connection with No. 14 Highcroft Road, a detached chalet style house immediately north of the site. To the south, and separated by a hedgerow with a number of semi-mature trees, is an older chalet bungalow known as "Red Cottage". There are similar informal hedgerows along the frontage of the site and also along the western boundary which faces out over open agricultural countryside.
3. Planning policy for the area is contained in the approved review of the Hertfordshire County Development Plan, which shows the area as one where only such development would be permitted as is appropriate in the Metropolitan Green Belt. Since the date of the refusal of the application forming this appeal, the Secretary of State for the Environment has approved the County Structure Plan, which extends the Green Belt north of Hemel Hempstead. A draft District Plan, which will define the exact boundary of the Green Belt, has reached the public participation stage. This includes the appeal site within the Green Belt where permission will not be given, other than in very special circumstances, for construction and new building other than for the purposes of agriculture, sport and recreation or other uses appropriate to a rural area. I have considered whether the appeal site has been appropriately included in the proposed Green Belt, but on the evidence before me I find no reason to question its inclusion pending a decision on the Green Belt proposal as a whole. Outline permission for one dwelling on the appeal site and adjoining land to the north, with a frontage of approximately 100 ft, was granted in 1955. A previous appeal against refusal of permission for 2 bungalows on the appeal site and the adjacent land to the north, was dismissed in 1964. The adjacent dwelling, No. 14 Highcroft Road, has since been built to the north of the appeal site as a result of the earlier outline permission.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

Hellerman Trustees,
9 The Parade,
To WATFORD,
Herts.

Four bedroom house on land adjacent to
No. 14 Highcroft Road, Hemel Hempstead.
sk.

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 and received with sufficient particulars on 22nd March, 1979, 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 is without notation on the County Development Plan and in an area referred to in the submitted County Structure Plan Written Statement within which there is a presumption against further development unless it is essential for agricultural or other special local needs - no justification has been proven to warrant departure from this principle.
2. The proposed development would have a detrimental effect on amenities and privacy at present enjoyed by the occupants of adjacent dwellings.
3. The proposed development would represent overdevelopment of this particular site, affecting adversely visual and general amenities and detract from the character of the area.

Dated 17th day of May, 1979...

Signed 

Designation Director of Technical 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.