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28 JAN 1988

File no.
Number 50 ... *CLC 28/1* ...
Closed

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

E J Welch Esq
Morton's Place
Chapel Road
Flamstead
ST ALBANS
Herts

Received	28 JAN 1988
Comments	

Your reference

Our reference

T/APP/A1910/A/87/75651/P2

Date

26 JAN 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/0409/87

- As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of one dwellinghouse on land at Chapel Road, Flamstead, Hertfordshire. I have considered the written representations made by you and by the council and Parish Council and also those made by interested persons. I inspected the site on 5 November 1987.
- From my inspection of the site and surroundings and the representations made I consider the main issue is whether or not there are special reasons present in this case to override the policies of severe restraint on development in the extended Metropolitan Green Belt contained in the adopted District Plan.
- The appeal site is part of an open space between existing dwellings on the east side of Chapel Road towards the northern edge of the village. The length of the undeveloped frontage would appear sufficient to accommodate 2 small dwellings and consequently it has not the character of a single small infill site sandwiched between continuous development. Opposite the site to the west is Friendless Lane which has a hedge and an extensive sports field on its north side and scattered council houses on the south fronting a footway and a wide grass verge. The village sign board is erected just to the south of Friendless Lane. Adjoining the appeal site to the south is an open space with a large fruit tree on or near this space and a detached house adjoining backed by a small development of new houses in Priory Orchard. Adjoining to the north is a detached house with a flat roofed double garage which is part of a ribbon of houses and bungalows extending north out of the village.
- It seems that the development is not intended to completely fill the gap between the existing dwellings although the road access to Priory Orchard is no longer required. Strictly therefore the proposal is not the infilling of a small gap in an otherwise built-up frontage. From my site inspection, the appeal site and the space adjoining seemed to be a pleasant open area complementing to some extent the open area of the sports ground opposite. It provided an acceptable division between the ribbon development on the approach to the village from the north and more dense development in the centre of the village around the High Street and Trowley Hill Road. From purely the visual aspect therefore I do not consider it necessary in order to preserve or enhance the character of the village for the site to be developed.

5. You have made reference to a planning permission for 8 houses on an extended site approved in 1967 and assert that because this application fairly closely corresponds to a plot on that permission it is unreasonable to now refuse the proposal. If that permission had been gradually implemented exactly as approved there might have been some slight merit in this argument but this is not the case and I therefore cannot accept that the lapsed permission carries much weight in the issues. Furthermore, circumstances have changed considerably since that time with the approval of the County Structure Plan and the Alterations No 1 operative from 8 November 1984 and the Dacorum District Plan operative from 26 January 1984. It seems right that these changes should be taken into account.

6. The policies in the approved Hertfordshire Structure Plan and the adopted Dacorum District Plan relevant to development in the Metropolitan Green Belt clearly impose severe restraint except for that type of development nationally accepted as appropriate in a green belt which includes agriculture, forestry and certain forms of leisure use. The proposal obviously does not come within those exceptions. Additionally, policies 4 and 5 in the District Plan allow some development in the rural villages of the green belt but subject to strict conditions in order to preserve the rural character appropriate to a green belt area. It seems entirely reasonable to me that what sites are available within the rural villages should be treated as a scarce resource available to meet the genuine needs of the rural community. While "occupancy" conditions as such cannot be supported in general planning terms the restrictions referred to above are contained in an adopted local plan (adopted January 1984) which clearly was subject to the statutory consultation procedure. I therefore consider it is very material to the consideration of this appeal.

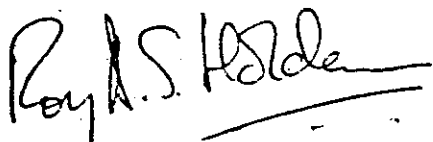
7. Policy 5 of the District Plan does allow small scale residential development within the main core of Flamstead village provided the development would also satisfy Policy 4. This clearly does not allow development as infilling, however small, unless it can be shown to be needed for agriculture or forestry or the service needs of the rural settlement. There seems to be no evidence in this appeal put forward to satisfy these exceptions and I therefore have no alternative but to conclude that the proposal would conflict with the relevant policies in the District Plan.

8. I have noted all the other matters raised in the representations, including the interest of Mr Robert Jones MP. I have also noted the reference by the local planning authority to other appeal decisions on village sites since the adoption of the District Plan which by its comparatively recent date must be regarded as an interest of acknowledged importance, but neither these, nor all the other matters raised outweigh in my view the considerations that have led to my decision.

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

I am Sir

Your obedient Servant



ROY A S HOLDEN DipArch RIBA
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To E J Welch
Mortons Place
Flamstead
Herts

W Dockeray
Pound Farm
Flamstead
Herts

One dwelling (outline)
at Land in Chapel Road, Flamstead

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 ...16.3.87..... and received with sufficient particulars on18.3.87..... 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 within the Metropolitan 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. Policies 4 and 5 of the adopted Dacorum District Plan seek to restrict development in certain villages, including Flamstead within the Green Belt to that which is for an essential use appropriate to a rural area as set out in Policy 4. The proposed development has not been justified in terms of these policies.

Dated30..... day of ...April..... 19.87...

Signed.....*W. B. B. B. B.*.....

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 receipt 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.