

A/203/26.2



Department of the Environment

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Messrs Brown and Merry
Chartered Surveyors
41 High Street
TRING
Herts
HP23 5AB

CHIEF EXECUTIVE

OFFICER

30 MAR 1979

File Ref.

Refer to

Cleared

Your reference

PHK/JL

Our reference

T/APP/5252/A/78/07603/G8

Date

27 MAR

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY ALATH CONSTRUCTION LIMITED
APPLICATION NO:- 4/0416/78

10331

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of one detached and 2 pairs of semi-detached houses on land off Fieldway, Wigginton.
2. From my inspection of the site and surroundings on 19 February 1979, and from my consideration of the written representations made by you, the council and interested persons, I am of the opinion that the decision in this appeal rests primarily on whether granting permission at the present time for residential development in the village of Wigginton, which is within the Chilterns Area of Outstanding Natural Beauty and an area which has been afforded protection by the planning authority as if it were green belt, would be premature while the provisions of the new County Structure Plan are still under consideration.
3. Under the provisions of the non-statutory document - Hertfordshire 1981, approved by the county council in 1972 and being used for development control purposes pending the approval of the new County Structure Plan and associated Local Plans, the whole of rural Hertfordshire is being treated as green belt. New population is being concentrated in the towns, and villages are not being allowed to expand. This policy is re-affirmed under Policy No. 2 of the new County Structure Plan submitted in 1976, but not yet finally approved. I note from the council's representations dated 14 February 1979 that the Secretary of State has indicated that he does not consider it necessary to extend the green belt to cover the whole of the rural area of the county but that other policies, including Policy No. 15, are adequate to restrict growth in rural areas not included in the Metropolitan Green Belt. The aim of Policy No. 15 is to control the growth of non-listed villages, such as Wigginton, and development will not normally be permitted in any village or hamlet in the county unless it can be shown conclusively that loss to the local rural community or to agriculture or other essential local interests would result if planning permission were refused.
4. The appeal site, which has residential development on 3 sides and a coach depot on the fourth, is situated within the built-up part of Wigginton which is quite a substantial settlement with some public and other services, even though the shopping facilities are very limited. The whole of the site was apparently used as allotments at one time, but now only one strip is being cultivated and the remainder is somewhat overgrown.

5. In 1975, after an appeal against the refusal of planning permission for 4 houses on the site, it was stated, inter alia, by the inspector in his decision letter that "the appeal site is about as near to the core of the village as is possible ... and although I am not persuaded that the proposal shown in the plan accompanying the outline application would be appropriate ... it seems to me that some form of residential development might be acceptable there without detriment to the rural character of the village".

6. The application subject of this appeal is also for outline planning permission, but it is for 5 houses and was accompanied by an illustrative plan showing the possible layout and type of houses that might be erected. The local planning authority would have wished to grant permission for the proposal, but under the terms of the Agency Agreement between the Hertfordshire County Council and the Dacorum District Council, they were directed to refuse it by the County Planning Officer, and this direction was upheld by a Joint Consultative Committee of the 2 councils.

7. I note that in their written representations the county council state that "it is agreed that the policy of the County Planning Authority over the past 30 years has not resulted, and should not result in the future, in a complete embargo on development in Wigginton". However they go on to state that the appeal site itself would only be appropriate for development if the proposal was acceptable under Green Belt Policy or Policy No. 15.

8. In view of the location of the site within the core of the built-up area, I do not consider its development for residential purposes would have any adverse effect on the surrounding countryside, such as would occur with a proposal for an outward expansion of the village, and my conclusion on the effect of some form of residential development of the site on the rural character of the village is the same as that reached after the last appeal. Moreover, on a site extending to 0.55 acres, I would not regard the erection of 5 houses, of suitable design and constructed of appropriate materials, as excessive.

9. I am thus of the view that the adverse effects of the proposed development on its surroundings would be minimal, but it would of course consolidate the residential area of Wigginton and would thus clearly not conform with the provision of the submitted Structure Plan. Granting permission for the development at this stage might well be prejudicial to the consultations between the county council and the Secretary of State regarding the policy for the various villages in Hertfordshire, and I have accordingly concluded that it would be premature for me to do so. I have examined all the other matters raised in the written representations, including the fact that at one time Wigginton was classified as an 'Intermediate Village', but there is nothing of sufficient substance to affect my decision.

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

I am Gentlemen
Your obedient Servant



J M DANIEL DFC MBIM
Inspector

Department of the Environment
2 Marsham Street
LONDON SW1P 3EB

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971).

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is the Secretary of State or Inspector, as the case may be, has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No. 419), which relate to the procedure on cases dealt with by the Secretary of State, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No. 420), which relate to the procedure on appeals transferred to Inspectors.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

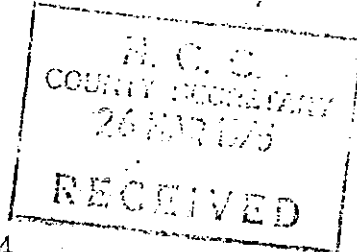
TCP 405

TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
- 2 APR 1979	
FILE No.	DATE



Department of the Environment
Caxton House Tothill Street London SW1 H 9LZ

Telephone 01-834 8540 ext 634



Messrs Parrott and Coales
14 Bourbon Street
AYLESBURY
Buckinghamshire

Your reference

W1888-72.

Our reference

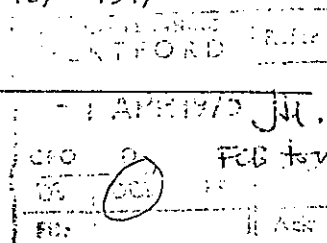
T/APP/1919/A/73/10757/G6

Date

2-5 MAR 75

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY ALATH CONSTRUCTION LIMITED



1. I refer to this appeal, which I have been appointed to determine, against the decision of the Hertfordshire County Council, to refuse outline planning permission for the erection of 4 detached houses and garages on land at Fieldway, Wiggington, Hertfordshire. I held a local inquiry into the appeal on 5 November 1974.

2. From my inspection of the site and surroundings and from representations made it appears to me that the determining issues are firstly, what impact the proposal, if permitted, would have on its surroundings, and secondly how it would affect the rural character of the village as a whole.

3. The village of Wiggington is within the Chilterns Area of Natural Beauty and the appeal site is without notation on the approved First Review of the County Development Plan. This plan includes Wiggington as a listed village within which a small amount of specified infilling was accepted, but in the non-statutory document Hertfordshire 1981 it was dropped from this category, and from 1972 onwards the local authority have adopted a policy that it should be given the same protection as that prevailing in the nearby Metropolitan Green Belt.

4. The village is not a large one although to house a population of about 1,000 people it stretches more than $\frac{1}{2}$ mile from east to west and about the same from north to south if dwellings in Wiggington Bottom are included. Its buildings are thus somewhat loosely arranged and it seems to me that the atmosphere of the surrounding countryside absorbs the settlement by spreading inwards along its arms to envelope the centre where the shallow depth, distant views and ample open space offer little resistance.

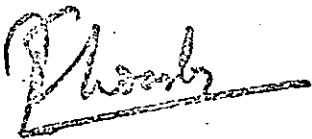
5. However the appeal site is about as near to the core of the village as is possible and is enclosed within an area of a generally residential nature, and although I am not persuaded that the proposal shown in the plan accompanying the outline application would be appropriate or in sympathy with its setting it seems to me that some form of residential development might be acceptable there without detriment to the rural character of the village.

6. I acknowledge that not all the buildings near the appeal site have the attraction of the Rothchild cottages nor can they all match the prevailing charm of the village, but I did not find that they seriously detracted from it either thanks to the openness of their setting which helps to soften their lines. However, completion of the frontage of Fieldway as proposed would, in my view, tend to consolidate and regiment the road and by so upsetting the village character at its centre, endanger the rural atmosphere to which I have referred.

7. I have taken into account all the other matters raised at the inquiry but am of the opinion that they do not outweigh the considerations that have led me to my decision.

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

I am Gentlemen
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'P G Loasby', with a horizontal line extending to the right.

P G LOASBY
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Alath Construction Ltd.,
c/o Messrs. Brown & Merry,
41 High Street,
TRING,
Herts.

..... 1. Detached and 4 Semi-detached Houses,

at Land off Fieldway, Wigginton, Nr. Tring.

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 3rd April, 1978, and received with sufficient particulars on 5th April, 1978, 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 the Chilterns Area of Outstanding Natural Beauty as defined in the approved Development Plan and is so referred to in Hertfordshire 1981 Planning Objectives and Policies, where it is intended to permit only such development as would be appropriate within the Metropolitan Green Belt. Within the approved Green Belt it is the policy of the Local Planning Authority not to permit development unless it is essential for agriculture or other genuine Green Belt purposes, or unless there is some quite outstanding reason why permission should be granted. No such need or special circumstances are apparent in this case. Furthermore, the proposed development does not comply with Policy 2 of the submitted County Structure Plan Written Statement in which it is the Local Planning Authority's policy to retain a green belt extending over the whole of the rural county wherein there is a general presumption against development which will only be accepted whether for the construction of new buildings or the change of use or extension of existing buildings, when the development is essential in connection with agriculture or clearly needed for recreation or other use appropriate to the rural area concerned.

Dated 15th day of June, 1978

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.