

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. J.B. Waterton
Exor to the late Miss P.M. Waterton
The Bothy
Nettleden Road, Little Gaddesden.

Agent: Messrs. Brown & Merry
128 High Street,
Berkhamsted.

One Dwelling and Garage (Outline)

Land adjoining "Avon" Hempstead Lane, Potten End
at

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 23rd March, 1983 and received with sufficient particulars on 24th March, 1983 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 an area without notation on the Approved County Development Plan and in an area referred to as being within the extension of the Metropolitan Green Belt in the Approved County Structure Plan (1979) and the Dacorum District Plan, wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension 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 use has been proven and the proposed development is unacceptable in the terms of this policy.
2. The proposal conflicts with Policy 4 of the Dacorum District Plan, which restricts development within Potten End to that essentially appropriate to the rural area.

nineteenth day of May 1983
Dated

Signed

Chief Planning Officer

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, 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.
- (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.



TEAM 2

Department of the Environment

Room 11/06

Tollgate House Houlton Street Bristol BS2 9D

Telex 449321

Direct line 0272-218 714
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DEPARTMENT OF THE ENVIRONMENT DACORUM DISTRICT COUNCIL					
Ref.			Ack.		
C.P.O.	D.P.	D.C.	C.C.	Admin.	File
		12			
Received 921 16 SEP 1983			1) m 13		
Comments			2) FW		
Your reference			4/0418/83 3) CB.		
Our reference			4) PT 1.		
Date			App/A1910/A/83/605668 14/9/83		

Chief Executive, Dacorum DC
Civic Centre
Hemel Hempstead
Herts. HP1 1HH.

CHIEF EXECUTIVE
OFFICER
16 SEP 1983

File Ref.
Refer to
Cleared

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1971
APPEAL BY

J Brian Waterton ear to the late Miss PM Waterton

I enclose a copy of an appeal made to the Secretary of State under Section 36 of the 1971 Act.

2. The attached questionnaire should be completed and returned to me within the next 14 days.

3. The appellant has agreed to adopt the written method. If you agree to this procedure please submit the Council's statement in duplicate within one month from the date of this letter. It would save time if you could send a copy of the statement direct to the appellant. Please let me know if you do this.

4. The Council should notify immediately local residents and others (eg Parish Councils and Preservation Societies) who may be affected, including those persons or bodies who made representations at application stage. They will need to know:

- the location of the site and a description of the appeal proposals
- that the appeal is being dealt with by the written procedure
- that they may make their views known by writing to Room 11/06 at the Department's Bristol offices, not later than 4 weeks from the date of this letter. They should quote the Department's reference number. As representations may only be taken into account if they are disclosed to the parties, it would be very helpful if they could let the Department have two copies which we can forward
- where the appellant's statement (on Form TCP201) can be inspected
- where, and approximately when the Council's statement will be available; interested persons should be asked to check by telephone that it is ready before coming to inspect, and advised that they should not delay submitting their own representations if the statement is not available
- that we will send a copy of the decision letter on the appeal only to those who ask for one.

It is important that all stages of the appeal procedure should appear utterly impartial. It would therefore be better if the letter of notification either included both the Council's reasons for refusal and the appellant's ground of appeal; or neither. The Council's statement should include copies of the notification letter, and a list of the names and addresses of those to whom it was sent.

5. We shall be looking for the co-operation of all parties in keeping as closely as possible to the time limits set out in the timetable for written representations appeals in Circular 38/81.

Yours faithfully

PP Mr. S J Nash
JG