

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF ..... DACORUM .....

IN THE COUNTY OF HERTFORD .....

To J. R. Mole, Esq.,  
28 Silverthorn Drive,  
HEMEL HEMPSTEAD,  
Herts.

Bungalow 2

at land adjoining 'Briar Hill', Rucklers Lane,  
Kings Langley.

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 24th March, 1981, and received with sufficient particulars on 24th March, 1981, 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 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 agriculture 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.

Dated 6th day of May, 1981.

Signed



Designation 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, 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.



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16 SEP 1981

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003702

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR J R MOLE  
APPLICATION NO: 4/0432/81

Your reference					
JHW/HJJ DEPARTMENT					
JHW/HJJ DISTRICT COUNCIL					
Our reference					
Ref.	T/APP/5252/A/81/07782/GH				Ack.
C.P.O.	Date	D.C.	B.C.	Admin.	File
			15 SEP 1981		
Received 17 SEP 1981					
Comments					

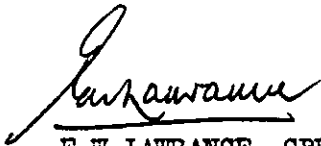
1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council, to refuse planning permission in outline for the erection of a bungalow on land adjoining Briar Hill, Rucklers Lane, Kings Langley. I have considered the written representations made by you and by the Council and I inspected the site on 24 August 1981.
2. The appeal site is part of an area of mixed woodland which extends uphill to the rear of the site and to the south-west as far as OS parcel 3083, a plot of more sparsely wooded land containing 3 agricultural type buildings. Further to the south-west, a large fenced area of dense woodland has a frontage to the south and south-eastern side of Rucklers Lane, on the opposite side of which there is an area of low density residential development comprising detached houses set in large plots with many trees.
3. From my inspection of the site and surroundings and the representations made, the main issue for consideration is whether the appeal site is appropriately located for use as a site for a new bungalow.
4. Whilst I agree that there is a distinct change in the character of the area where Rustlers Lane becomes a single track road at a point at which the 30 mph speed limit begins, I cannot accept that the undeveloped land on the frontage of the south-eastern side of Rucklers Lane between Briar Hill and the 30 mph sign, of which the appeal site is part, should logically be regarded as part of the residential area. If this argument were accepted, not only the appeal site but at least 2 more similar plots would be considered as potentially suitable for new housing.
5. It is noted that the appeal site, together with a small triangular-shaped area of adjoining land to the south-west, is not yet part of the Metropolitan Green Belt, but in view of the generalisation of the green belt boundary at this point, it is not clear whether or not the land was excluded intentionally. However, the area of woodland, of which the site is part, would in my opinion serve an important green belt function as does the remainder of the woodland on the south and south-eastern side of Rucklers Lane and, subject of course to further consideration by the District Council before this aspect of the Dacorum District Plan is finalised, I see no reason at present why it would not be appropriate to include it in the Metropolitan Green Belt, and pending its inclusion, it should be treated, for the purposes of development control, as part of the proposed extension to the Metropolitan Green Belt.

6. While the 2 mature sycamore trees on the frontage of the site and a number of other trees could probably be retained as a form of partial screening of the proposed bungalow, I consider it would be wrong for any outward extension of the existing ribbon of residential development on the south-eastern side of Rucklers Lane to be permitted and, for this season, I do not propose to grant planning permission for the proposed development.

7. I have taken into account all the other matters raised but they are not of sufficient weight to affect the considerations that have led 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



E W LAWRENCE CBE FRICS  
Inspector