

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF **DACORUM**

IN THE COUNTY OF HERTFORD

.....

To **R. Lowery, Esq.,**
10 Tile Kiln Lane,
HEMEL HEMPSTEAD,
Herts.

..... **Change of use of land from amenity green to garden**

.....

at **rear of 10 Tile Kiln Lane, Hemel Hempstead.**

.....

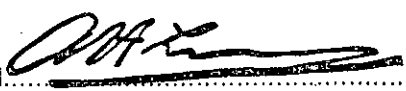
Brief
description
and location
of proposed
development.

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, 1980** and received with sufficient particulars on **25th March, 1980** and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:—

The proposed enclosure and use as garden land would reduce the existing area of amenity green and have an adverse effect on the environment and character of the area.

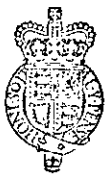
Dated **8th** day of **May,** 19 **80.**

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.



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TECHNICAL SERVICES DEPT.

PLANNING SECTION

- 7 JAN 1981

Mr R Lowery
10 Tile Kiln Lane
HEMEL HEMPSTEAD
Herts

PLS No.	Your reference	DATE
	Our reference	
	T/APP/5252/A/80/11639/G10	
	Date	

- 6 JAN 1981

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0452/80

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 the change of use of land from amenity green to garden at the rear of 10 Tile Kiln Lane, Hemel Hempstead. I have considered the written representations made by you, by the Council and by the Leverstock Green Village Association and also those made by other interested persons. I inspected the site on 11 December 1980.
2. In this appeal it is necessary to differentiate between the desirability, or otherwise, of the sale of publicly-owned land to an individual and the purely planning aspects which arise when it is intended to develop such land. I am solely concerned with the latter aspects.
3. In my opinion this case turns on whether there would be a significant loss of amenity to the public in general and the occupants of the houses in Belsize Close in particular, by way of loss of visual amenity, free space and privacy, by the enclosure of the land concerned. If it were to be allowed it would have the effect of swivelling the position of your rear fence, advancing it a few yards at the southern end and not at all at the northern end, in the process this would straighten and shorten the existing boundaries of the amenity land.
4. The Council have argued that any encroachment however small represents an undesirable intrusion and have also argued as has the Leverstock Green Village Association that it would establish a dangerous precedent for similar applications elsewhere in future. I concede that if the area concerned were large and prominent these arguments would have some force. The area in this case being such a small proportion of the amenity area available in the immediate vicinity, being so far off the beaten track and the boundary being overly irregular, there will not be, in my opinion, any significant loss of amenity, in particular I think there will be no loss of visual amenity or privacy to any of the inhabitants of the houses most closely concerned and very little loss of free space; there will be a small advantage due to the straightening of the boundary. For the same reasons, I think that approval would not result in a valid precedent for any future applicants wishing to encroach on amenity areas, since the combination of circumstances in this case must be unique.
5. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use of land from amenity green to garden at the rear of 10 Tile Kiln Lane, Hemel Hempstead in accordance with the terms of the application (No 4/0452/80) dated 25 March 1980 and the plans

submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

6. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant

M. C. Eveleigh.

M C EVELEGH
Inspector