

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

G. Winfield, Esq.,
To Enterprise,
167 Chaulden Lane,
HEMEL HEMPSTEAD,
Herts.

Messrs. Faulkners,
49 High Street,
KINGS LANGLEY,
Herts.

One dwelling - OUTLINE

at on land adj. 167 Chaulden 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 27th March, 1981, and received with sufficient particulars on 30th 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 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.

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.



Department of the Environment

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DEPARTMENT OF THE ENVIRONMENT DACORUM DISTRICT COUNCIL					
Ref.				Ack.	
C.P.O.	D.P.	D.C.	E.C.	Admin.	File
18	918				
Received				14 DEC 1981	
Comments					
Your reference					

Our reference

T/APP/5252/A/81/08302/G5
 Date

10 DEC 1981

P N Faulkner Esq FRICS
 Messrs Faulkners
 Chartered Surveyors
 49 High Street
 KINGS LANGLEY
 Herts

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MR G WINFIELD
 APPLICATION NO:- 4/0474/81

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 a single dwelling on land at No. 167 Chaulden Lane, Hemel Hempstead, Herts. I held a local inquiry into the appeal on 10 November 1981.

2. From my inspection of the site and surroundings and from the representations made, I am of the opinion that the main issue in this case is whether an exception can be made to the council's policy to protect the approved extension of the Metropolitan Green Belt from the construction of new buildings unconnected with agriculture or other essential purposes appropriate to a rural area.

3. On behalf of your client you argue that the appeal site is part of a residential garden, it is not agricultural land; that the erection of a house has been permitted in similar circumstances on a plot adjoining the east side of No. 167; that there is a clearly defined boundary between the appeal site and the adjacent open field and the site does not form part of the Green Belt; that the objectives of the Green Belt would not be prejudiced by the erection of one house; that good access and all services are available for the site; that the council has permitted 2 outrageous developments in the Green Belt in the vicinity; that the appellant has lived at No. 167 since 1939 and does not want to move from the vicinity; that no bungalows are available in the vicinity and he wants to build one on the site; that the proposed bungalow would not be visually obtrusive because it is screened from the road by a high hedge; and that Circular 22/80 states that local planning authorities should adopt a positive approach and allow applications.

4. The appeal site already belongs to the garden of a house and the fact that it does not serve any agricultural use is irrelevant in my opinion. I note that the house allowed next door was permitted in 1963 before the Green Belt was formulated and that this permission was for a genuine case of infilling. I agree that the site has a distinctive boundary separating it from the adjacent agricultural field, but nevertheless I consider that the site is properly included in the Green Belt. In my opinion it is well known that there is a strong presumption against the building of houses and other non-agricultural buildings within a Green Belt and building one more house might establish a precedent. The fact that good access and all services are available for the site is irrelevant. The council admit they have granted permission for 2 schemes in the Green Belt in the vicinity; the plant hire industry to the west was originally permitted by the county council many years ago and the

present planning authority could hardly refuse the recent replacement of one building. The 2 permissions in the Green Belt were regarded as unfortunate but should not be used as a precedent. The personal wishes of the appellant are insufficient to override major planning factors. The fact that his proposed bungalow would not be obtrusive is not a material factor justifying an exception to the council's policy to protect the Green Belt. Circular 22/80 paragraph 17 of Annex A expressly mentions the need to protect approved Green Belts.

5. I have considered all the other matters raised in the representations but they are of insufficient weight to affect my decision.

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

I am Sir

Your obedient Servant

S. R. H. King

S R H KING DipTP(London) RIBA MRTPI
Inspector