

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



**DACORUM BOROUGH COUNCIL**

To Mr L Venables  
"The Orchard"  
Alexandra Road  
Chipperfield

Erection of Bungalow (Outline)

at Adj. "The Orchard", Alexandra Road, Chipperfield

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 18.3.88 and received with sufficient particulars on 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 proposal is not supported by evidence of local need sufficient to satisfy Policy 4 of the adopted Dacorum District Plan.
- (2) The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use 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 TWELFTH day of MAY 19 88

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

#### NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.



PLANNING INSPECTORATE  
DEPARTMENT OF THE ENVIRONMENT

Room 1404

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218

Switchboard 0272-21881

CHIEF EXECUTIVE  
OFFICER

16 MAY 1989

File no. 927 refer to *elo 16/5*  
Cleared

L H V Venables Esq  
'The Orchard'  
Alexandra Road  
Chipperfield  
KINGS LANGLEY  
Hertfordshire

WD4

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.				Ack.		
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	Cur Reference
						T/APP/A1910/A/88/108311/P4A
Received				Date		
16 MAY 1989				15 MAY 89		
Comments						

Your reference

29446

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO: 4/0508/88

- As you know I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for erection of one bungalow on land at 'The Orchard', Alexandra Road, Chipperfield. I have considered the written representations made by you and by the council and also those made by the Parish Council. I inspected the site on 12 April 1989.
- The appeal site covers an area of approximately 450 m<sup>2</sup> currently part of the garden of your property. The site is flat, is completely surrounded by residential development and is well screened by tall conifer hedging. Vehicular access to the site would be available via the existing access drive from Alexandra Road.
- From my study of the representations and my inspection of the site and its surroundings I am of the opinion that the main issues in this case are whether the proposal accords with policies to restrict development within the Metropolitan Green Belt and if not whether there are special circumstances which would justify allowing the proposal as an exception.
- The council refer to policy 2 of the Hertfordshire Structure Plan operative at the time the application was decided, to policy 1 of 1986 Review of the Structure Plan now operative and to policies 1, 4, 5, 18, 19 and 66 of the adopted Dacorum District Plan. The council acknowledge that the site lies within the approved village core and is surrounded by existing residential development. They concede that the proposal would satisfy most of the infilling criteria of policy 5 of the District Plan but point out that that policy also requires the proposal to accord with the provisions of policy 4 which requires the applicant to demonstrate that the development is essential to meet the housing needs of the rural area. In the council's opinion no such need has been demonstrated.
- You have not claimed that the proposal would qualify under the terms of policy 4 of the District Plan and on that account I consider that the proposal does not accord with policies which aim to restrict development within the Metropolitan Green Belt. However, now that the site has been surrounded by housing, its retention as garden would make little practical contribution to the aims of green belt policy and I share your feeling that there is some inequity in a system which results in your curtilage being surrounded by houses but denies you permission



to develop part of your land. To remove such inequity seems to me to be a proper ground for allowing an exception to normal policy. In addition I give some weight to the medical need for your wife to live in a dwelling on one floor and to your understandable wish to remain in the village in which you were born and have lived for over 50 years.

6. I have also taken into account all the other matters raised in the representations but in my opinion none is of sufficient weight to affect the conclusions which have led to my decision. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for erection of one bungalow on land at 'The Orchard', Alexandra Road, Chipperfield in accordance with the terms of the application (No 4/0508/88) dated 18 March 1988 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
  - a. 5 years from the date of this letter; or
  - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

7. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period. 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



F F ANDERSON MBIM  
Inspector

CERTIFICATE A

TOWN AND COUNTRY PLANNING ACT 1971

Certificate under Sections 27 and 36

I hereby certify that:

1. No person other than the appellant was an owner (a) of any part of the land to which the appeal relates at the beginning of the period of 20 days before the date of the accompanying appeal.

\*2 None of the land to which the appeal relates constitutes or forms part of an agricultural holding.

OR:-

~~\*2~~ \*I have given the requisite notice to every person other than \*myself  
\*The appellant has \*himself

who, 20 days before the date of the appeal was a tenant of any agricultural holding any part of which was comprised in the land to which the appeal relates, viz:-

Name of tenant (b)

Address

Date of service of notice

Signed R. H. V. Venables

\*On behalf of .....

Date 8/11/88

\*Delete where inappropriate

(a) "owner" means a person having a freehold interest or leasehold interest the unexpired term of which was not less than 7 years

ONE ONLY of these paragraphs (numbered 2) must be deleted

(b) If you are the sole agricultural tenant, enter "None"

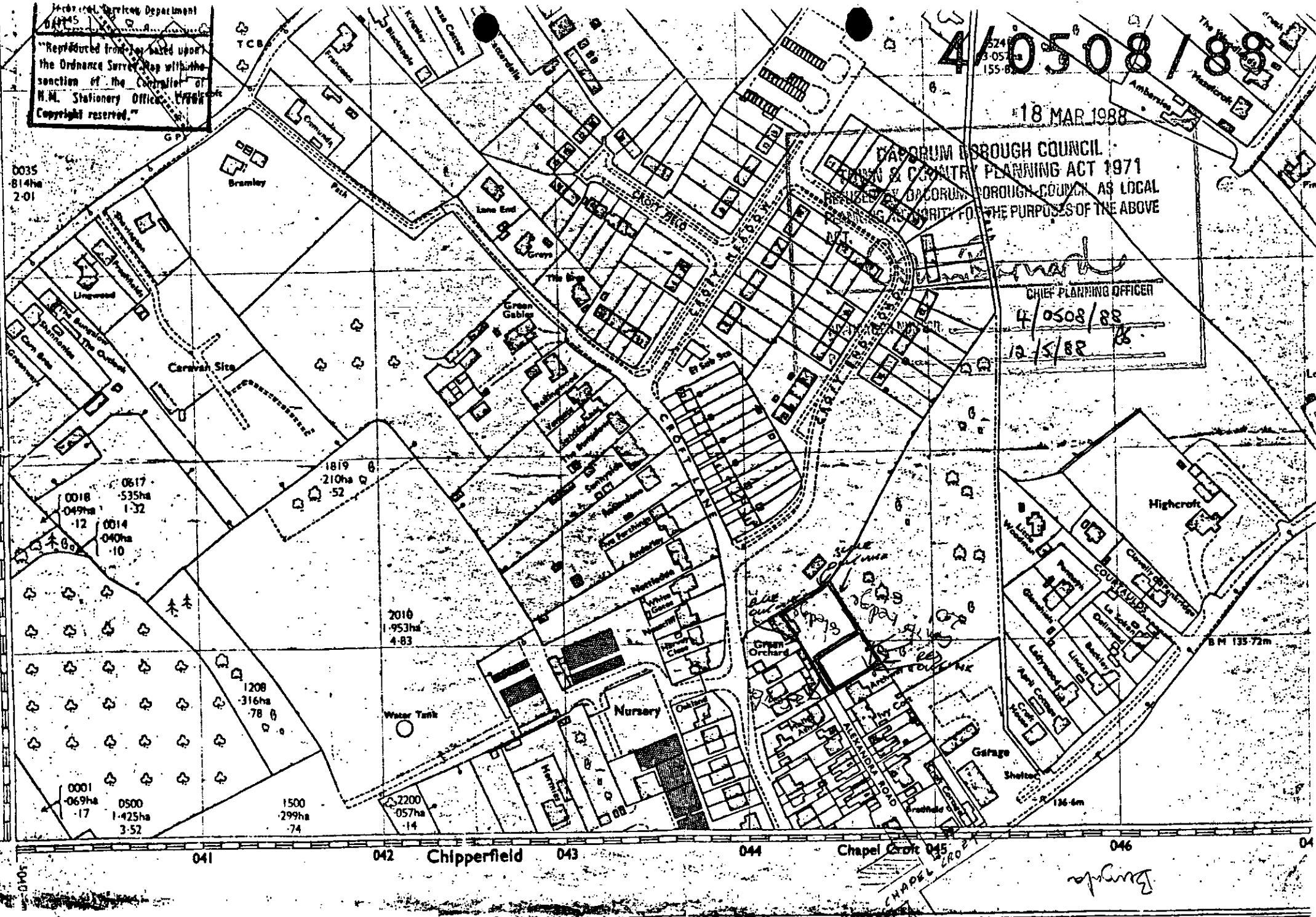
Her Majesty's Stationery Department  
 04945  
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4/0508/88

18 MAR 1988

DACORUM BOROUGH COUNCIL  
 TOWN & COUNTRY PLANNING ACT 1971  
 RESOLVED BY DACORUM BOROUGH COUNCIL AS LOCAL AUTHORITY FOR THE PURPOSES OF THE ABOVE

CHIEF PLANNING OFFICER  
 4/0508/88  
 12/5/88



445/82

4470-73

8520

site is completely surrounded by marshland det.

73 Cost Rec. Caret det to Natl.