

CPO



Department of the Environment and Department of Transport

Common Services

Room 140 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218913

Switchboard 0272-218811

GTN 2074

8901

CHIEF EXECUTIVE
OFFICER

26 MAR 1984

File Ref.

Refer to CPO

Cleared

Messrs Fuller Hall and Foulsham
Architects Surveyors and Town Planning
Consultants
53 Marlowes
HEMEL HEMPSTEAD
HP1 1LL

JMB
JCB
3) TW
4) TEAM 21

Your reference

PRB/KCD PLANNING DEPARTMENT
Our reference DISTRICT COUNCIL

AT/APP/A1910/A/83/008569/PE1

Date

C.P.O.

D.P.

22 MAR 84

Received

26 MAR 1984

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR J MACKIN
APPLICATION NO:- 4/0518/83

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. The appeal is against the decision of the Dacorum District Council to refuse planning permission for the erection of 2 semi-detached dwellings on land adjacent to Pouchen End Hall, Pouchen End Lane, Hemel Hempstead.
2. From my unaccompanied visit to the site and inspection of the surroundings on 5 March 1984, and from my consideration of the written representations made by you, the council and an interested person, I am of the opinion that the decision in this appeal rests primarily on whether the proposed development would be harmful to the rural character of the area, bearing in mind that it is being treated as green belt where there is a presumption against further housing, unless it is in connection with an appropriate use of the land, in order to afford the countryside special protection.
3. The appeal site, which at present contains a single-storey brick building and a barn, extends to about .06 ha and is situated in the tiny settlement of Pouchen End a short distance west of Hemel Hempstead. Pouchen End is reached via a narrow single track lane with passing places running off the A41 Trunk Road after crossing over the Grand Union Canal in the hamlet, Winkwell, and under the main railway lane from London to the north-west.
4. Pouchen End is located in open countryside which is shown as being without notation in the approved County Development Plan, 1971, and in the non-statutory review - Hertfordshire 1981 - published in 1972. The approved County Structure Plan 1979 contains proposals for an extension of the Metropolitan Green Belt to a line north of Tring, Berkhamsted and Hemel Hempstead. The exact boundary is to be defined in Local Plans, and certain modifications that have been proposed have yet to be finally approved. However it does not appear to me that the area in which the appeal site is located will be affected, and I thus see no reason to question its inclusion in the green belt for the time being pending a final decision on the green belt as a whole.
5. In my view the erection of 2 new dwellings in this tiny settlement would further detract from its rural character by consolidating the small group of existing dwellings, and as the development is not required in connection with any appropriate use of the land itself, I am of the view that there would have to be some other very special reason to justify making an exception to the normal green belt policy.

6. I note your client's view that it would be preferable to redevelop the appeal site with a pair of appropriately designed cottages rather than leave the existing agricultural buildings, stated to be no longer required as such, to become derelict. It is also suggested that such a project would accord with the advice in Circular 22/80 regarding the need to make the best of land within existing settlements for housing. I cannot in fact accept the latter contention as it is made clear in the Circular that there is no intention that policies towards the green belt should be changed. I would not disagree that the 2 existing buildings do not contribute much to the visual amenity of the area, although they are not inappropriate in their agricultural setting, but this does not make their replacement by new dwellings acceptable. Moreover I do not see any reason why the buildings should necessarily be allowed to fall into a state of disrepair that would harm the surroundings. I note that at present the barn appears to be used for storing hay, but if the buildings are no longer required, at some time in the future they could of course always be demolished.

7. I have examined all the other matters raised in the written representations, including your references to the fact that most of the dwellings at Pouchen End are no longer used in connection with agriculture, and one which no doubt was not subject to an agricultural occupancy condition has recently been modernised. However in my view this does not justify allowing brand new dwellings to be erected in the green belt, and there is nothing else of sufficient substance to outweigh those considerations that have led me to my decision that it is necessary to refuse planning permission.

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



J M DANIEL DFC FBIM
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To J. Macklin Esq.
Pouchen End Hall
Pouchen End, Herts.

A.E. King Esq. BA(Hons), B.Pl. M.R.I.P.I.
Fairways
Lockers Park Lane
Hemel Hempstead

.....Two dwellings (semi detached).....
.....
at adjacent to Pouchen End Hall, Pouchen End 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 10th April 1983 and received with sufficient particulars on 20th April 1983 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 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 of recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.

Dated 14th day of June 19 83..

Signed.....
W. B. Marshall

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.