

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

Other  
Ref. No.THE DISTRICT COUNCIL OF .....DACORUM.....IN THE COUNTY OF HERTFORD .....

To Commission for the New Towns,  
Swan Court,  
Waterhouse Street,  
HEMEL HEMPSTEAD,  
Herts.

177 Houses and 50 Flats - OUTLINE

at Gadebridge 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 ..... and received with sufficient particulars on ..... 1st April, 1980 ..... 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 proposed development would have an adverse effect upon the character of the site and of adjoining open space.
2. The site is without notation on the approved Town Map and its development at this time would be contrary to the policies of the approved Structure Plan for the limitation of new housing development.
3. The layout of the proposed development pays insufficient regard to the physical characteristics of the site and its surroundings.
4. The Approved County Structure Plan contains, as part of the statement for each Policy Area of the county, control levels relating to the amount of housing to be provided over the plan period. There is already adequate land available for residential development in the DACORUM District to meet the needs of the Policy Area until 1986, the end of the proposed District Plan period. The control levels have already been exceeded in the West Herts. Policy Area and if additional land is developed, over and above that already committed, this high rate of growth will continue, contrary to the overall policy of restraint  
xoxox ..... xoxoxf ..... xoxx  
contained within the Approved County Structure Plan.

Dated 8th day of May, 1980.

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.



# Departments of the Environment and Transport

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CE/CPO  
FILE

PLANNING DEPARTMENT  
DACORUM DISTRICT COUNCIL

The Chief Administrative Officer,  
Commissioner for the New Towns,

Glen House,  
Stag Place,

Victoria, London SW1E 5AJ

- 9 FEB 1983

Your reference

26/199

Our reference (a) APP/5252/A/80/1401

(b) APP/5252/A/81/7843

Date (c) APP/5252/A/81/7844

- 8 FEB 1983

6800

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36

APPLICATION NOS. (a) 4/0530/80; (b) 4/0458/81/CM; (c) 0459/81/CM

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr W D Woodall, FRICS, FRTPI, who held a local inquiry into the Commission's appeals against the decisions of the Dacorum District Council to refuse planning permission for:-

- (a) the erection of 177 houses and 50 flats;
- (b) the erection of mixed residential development and the construction of a new access; and
- (c) the erection of mixed residential development and the construction of a new access.

All three applications concern land off Gadebridge Lane, Hemel Hempstead, Hertfordshire. At the inquiry Appeals (a) and (c) were withdrawn and the Inspector's Report, a copy of which is enclosed, is therefore concerned with Appeal (b).

2. The Inspector said in his conclusions:

"In my opinion the appeal site is located in a sensitive area and is of special character. It seems to me the reasons for excluding it from residential development in advance of an established need for housing in the First Review of the County Development Plan apply with equal force today. In this connection I do not attach particular weight to the absence of interested persons appearing at this inquiry as I understand that much of the evidence of the parties was substantially the same as that rehearsed at the District Plan inquiries the year before and the week before this inquiry.

I find there have been substantial changes in national, regional and local land use planning policies applicable to this area since the County Development Plan was approved in 1971. These include a general restraint in growth in Hertfordshire, the extension of the Metropolitan Green Belt to include generally the ring of New Towns north of London, and the need to reverse the flow of population and housing from London.

Whereas it has been indicated that the Structure Plan is "policy led" and not "numbers led" it seems the control levels of housing increase, albeit subject to monitoring, are inevitably related to the fundamental policies of housing. In this connection I find no reason to question generally the submission by the County Council that the control levels for housing establish a programme of housing provision to be made to meet the local housing needs of the area rather than market demand.

Although the control levels in the submitted Structure Plan Alterations 1980 are still under consideration, it is clear to me that the earlier high rates of house building in West Hertfordshire were identified in the approved Structure Plan as requiring particular consideration. In my opinion "to wipe the slate clean" at the end of each 5-year period would be contrary to the fundamental objectives of the control levels. Furthermore, as the number of houses completed in the first 5-year period of the Structure Plan was almost double the control level, it seems to me that some substantial reduction in the rate of house building is necessary in the last 2 periods of the plan.

I have had regard to the guidelines in Circulars 9/80 and 22/80 and find no reason to question generally the figures for housing land availability for the period 1981-86. In my judgement any shortfall from small sites would not be significant.

I note that the Inspector in his report of November 1981 on the objections to the District Plan stated that "at the appropriate time" the appeal site "should be capable of being developed for housing in a phased manner spread over a number of years". From the evidence before me I am not satisfied that the time for the proposed development has yet arrived."

The Inspector recommended that the appeal be dismissed.

3. The Secretary of State notes that the main issue in this appeal concerns the timing of development rather than the principle of using the site for housing. In considering this point he has addressed his mind to whether an adequate supply of housing land is available in accordance with Circulars 9/80 and 22/80. He is aware that references were made at the inquiry to the housing control figures contained in the proposed Alterations to the Structure Plan which are still under consideration following the Examination in Public. With this in mind he does not propose to comment in the context of this appeal on the Inspector's conclusion that some substantial reduction in the rate of house building is necessary in the last two periods of the Structure Plan. In any event, he considers that, in determining the appeal, he should have regard to the approved Structure Plan. This sets down control levels aimed at achieving an adequate building rate within overall policies of restraint and the Secretary of State considers it appropriate, when assessing the supply of available housing land, to adopt a method of calculation based on the residual requirement for housing in the remaining periods of the Plan after taking into account completions since its starting date: he does not favour the approach of "wiping the slate clean" at the end of each 5 year period. Using the residual method of calculation, he is satisfied that a 5 year supply of housing land exists within the district to meet the control levels in the approved Plan.

4. However, the Secretary of State recognises that the existence of such a supply of land should not preclude consideration of other sites. He appreciates that the District Plan is not yet operative, but it has been published and an inquiry into objections has taken

place: the Council will shortly be considering the Inspector's Report. In these circumstances he regards the fact that the site is allocated in the Plan for housing development as an important consideration. He recognises that the Plan proposes that the site should be developed during the period 1986-91 and he can appreciate the Council's concern about the timing of the development and the effects on the overall strategy of housing land allocation of the early release of sites proposed for development in later parts of the Structure Plan period. However, even if the appeal site was released at this stage, development would be unlikely to commence before 1984. The Secretary of State does not consider that this would be so far in advance of the period proposed for its development in the District Plan as to justify refusal on this count alone.

5. The Secretary of State notes that the site is at present subject to green belt policies and he sees no reason to question the Inspector's view that it is located in a sensitive area and is of special character. He notes that it is on the western side of the valley of the River Gade and comprises some 20 acres of parkland with mature trees. Immediately to the east and not physically separated from it is Gadebridge Park, a public open space owned by the Council. The appeal site is crossed by a number of apparently well-used footpaths connecting it to the Park. In the Secretary of State's view, the site at present makes a significant contribution to the amenities of the area and for this reason he agrees with the Inspector that the time for the proposed development has not yet arrived. Having given full consideration to all the evidence submitted, he has concluded that the site should remain undeveloped until required to meet local housing need.

6. Subject to what is said above, the Secretary of State agrees with the Inspector's conclusions and accepts his recommendation. Therefore he hereby dismisses the Commission's appeal.

I am, Sir,  
Your obedient Servant,

MISS A GERRY  
Authorised by the Secretary of State  
to sign in that behalf