

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

Other

Ref. No. ....

## DACORUM

THE DISTRICT COUNCIL OF .....

IN THE COUNTY OF HERTFORD .....

To E. F. J. Cole Esq.  
The Lodge  
New Ground Road  
Aldbury  
near Tring, Herts.

Erection of loose boxes and change of use  
of existing loose boxes to retail

The Lodge, New Ground Road, Aldbury

at .....

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  
12th May 1982 ..... and received with sufficient particulars on  
12th May 1982 ..... 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 a rural area beyond the Green Belt - on the Approved County Development Plan and in an area referred to 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 8th July 1982  
..... day of .....

Signed *Colin Ransford*

Designation ..... of 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 and  
Department of Transport**

**Common Services**

Room 1309 Tollgate House Houlton Street Bristol BS2 9DJ

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.				Ack.	
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
0272-218 863 0272-218811				17 NOV 1982	
Comments					
Your reference					
Our reference					
T/APP/5252/A/82/8216/G9					
Date					
15 NOV 1982					

E F J Cole Esq  
The Lodge  
Newground Road  
ALDBURY  
Near Tring  
Herts

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO: 4/0552/82

5956

1. I have been appointed to determine your appeal against the decision of the Dacorum District Council to refuse planning permission for the erection of loose boxes and the change of use of existing loose boxes to retail, at The Lodge, Newground Road, Aldbury. I have considered the written representations made by you and the council and I visited the site on 26 October 1982.

2. From my inspection of the site and surroundings, and from the written representations, I consider that the main issues are whether the proposed change of use would be in conformity with planning policies, and if not whether there are reasons for making an exception to them.

3. You do not question the council's evidence that your land lies in a rural area within the Chilterns Area of Outstanding Natural Beauty. The council has no objection to the erection of loose boxes, but in their view, and in mine, neither the structure nor the district plan envisage the establishment of a retail shop on a site like this one. Such a use, if it is to be profitable, must attract people and vehicles that would otherwise have no occasion to visit your house, or use the narrow lane that serves it. These visits must be at the expense of rural tranquillity. However successfully the shop and its car park might be screened the council could not reasonably object to signs proclaiming their existence once the new use had been allowed. As I consider that the protection of rural tranquillity and beauty are important aims of the policies I am led to the conclusion that your proposal would not be in conformity with them.

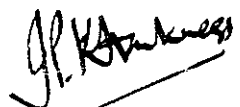
4. In favour of making an exception you say that your shop would serve a participatory sport and recreation, but you have produced no evidence to show why this service cannot be performed by a shop in a town or village. The expenses of such a shop are not in my opinion a planning reason. You cited the grant of planning permission for a similar shop elsewhere, but as I am required to treat each case on its own merits I cannot regard that decision as a positive argument that outweighs the objections I have indicated.

5. I have carefully considered whether an exception to policy ought to be made in the light of the Government's wish to encourage the formation of small businesses, set out in Circular 22/80, paragraphs 12 and 13. However it seems to me that a shop use here, once permitted, could not be confined by an enforceable condition to the sale of saddlery and riding wear. Nor would it be right to allow the erection of 2 loose boxes for use as a shop and then later to refuse proposals to expand as the

business prospered. I could find no feature that distinguished your house from others in the countryside in respect of which similar proposals could be made. Once yours had been approved it would be difficult to justify the refusal of other businesses, whose effects on rural peace and beauty would be serious and irreversible. I have reviewed all the other matters raised in the written representations, including your evidence that businesses are being conducted without planning permission but found none of sufficient weight to affect my conclusion.

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

I am Sir  
Your obedient Servant



J. P. K. HARKNESS  
Inspector