

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

Other

Ref. No.

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To Rockville Construction Co.Ltd.,  
22 Hampshire Terrace,  
SOUTHAMPTON.

Taylor Woodrow Homes Limited,  
Western House,  
Western Avenue,  
LONDON,  
W5. 1EU.

Residential Development

at Land off Bell Lane, Northchurch.

Brief  
description  
and location  
of proposed  
development.

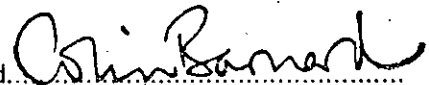
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 27th March, 1981, and received with sufficient particulars on 31st March, 1981, and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

1. The proposed development would be contrary to the provisions of Policy 2 of the approved County Structure Plan.
2. The proposed development would be contrary to the provisions of Policies 1, 3, 4, 9 and 24 of the Dacorum District Plan.
3. It is considered that sufficient land for residential use has already been allocated in Dacorum District (Policy 65 of the District Plan) to accommodate the predicted levels of private housing needs for the foreseeable future.
4. The proposed development would be seriously detrimental to the visual amenities and character of the area.
5. Due to the narrowness of Durrants Lane and the poor visibility of its junction with Shootersway, this proposal will be detrimental to the free flow and safety of traffic using that road.

Dated 28th 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.



# Departments of the Environment and Transport

*Eastern Regional Office*

Charles House 375 Kensington High Street London W14 8QH

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Rockville Construction Co Ltd  
Taylor Woodrow Group Legal Dept  
Western House  
Western Ave  
London  
W5 1EU

Your reference

ACS/SM/C.454(C)

Our reference

APP/5252/A/81/14450

Date

30 NOV 1982

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36  
APPLICATION No 4/0568/81

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 R A Gordon-Smith BSc (Eng) CEng MIEE MIMechE who held a local inquiry into your appeal against the decision of the Dacorum District Council, to refuse planning permission for residential development of approx. 5.8 ha of land off Bell & Durrants Lane, Berkhamsted, Herts. A copy of the report is enclosed.

2. The Inspector said in his conclusions:

"It seems to me that the main questions which have to be answered in this appeal, are: what degree of adverse impact the proposed development would have upon the visual amenities and character of the area and upon the local environment; whether the proposed development would conflict with the aims of established policy and, in particular, whether green belt policy is rightly interpreted and applied to the appeal site and, if not, what would be the appropriate policy; whether the need for the release of more housing land at the present time outweighs the land use planning objections; and finally whether the weight of the highway objections represented at the inquiry affects the balance of the decision.

It is not disputed that the proposed development would have some adverse visual impact, since houses on the appeal site would be seen from across the valley, including from sensitive common and National Trust land, in place of the present green field. The example of the Tunnel Fields development in its present raw state probably leads to an exaggerated view of how the appeal site would look with completed development and matured landscaping. There is existing development right up to the skyline east of Cox Dell, the Thomas Bourne School buildings on the skyline behind Cox Dell, and the proposed development would be contained by The Rookery to the south and the tree line on the western boundary of the appeal site. So in my opinion the proposed housing need not appear an incongruous urban intrusion in the landscape. The development would form a transition from the Tresco Road development above the 500 ft contour down to the Granville Road development at about the 450 ft level, and I consider this would represent a natural extension of the town, as concluded by the Secretary of State in 1973. However I note that on that occasion the proposal was for 120 houses on the site, whereas the present proposal is for about 200. As well as some loss of visual amenity, there would be loss of some 14½ acres of lower Grade 3 agricultural land, possible harm to the Cox Dell nature reserve, the environmental effect of

increased traffic on local roads and other effects resulting from the expansion of the town and its population. I do not consider that the sum of these effects weighs especially heavily against development of this particular site if expansion of Berkhamsted is necessary.

The appeal site is admitted to contribute nothing of importance to checking the further growth of the metropolis or to preventing the merging of neighbouring towns. I also consider that its present state does little to preserve any special character that the town has. However another important function of the green belt is to limit expansion of a town within the green belt and safeguard the surrounding countryside from encroachment. The question then is whether in drawing the green belt around the town due regard has been paid to "the long term expansion acceptable in the context of the stated purpose of the Green Belt and the Structure Plan policies for housing and employment", required by Policy 2 of the Structure Plan. My interpretation of the Secretary of State's intention when modifying Policy 2 before approving the Structure Plan is that the green belt may be drawn tightly around the existing urban area when the acceptable limits of development have been reached. But if these limits have not been reached there should be gaps of 'white' land between the green belt and the urban area, protected by other restraint policies in the Plan. It seems to me that the District Council's implementation of the policy intention in their District Plan is open to question and has been questioned at the District Plan Inquiry. Nevertheless, the District Plan is accepted by the County Council as generally in conformity with the Structure Plan and, subject to some further modifications not affecting the appeal site and green belt boundary, is likely to be adopted. Thus the appeal site is likely to be within the approved boundary of the green belt and be subject to the normal presumption against development. I have considered whether there is justification for exclusion of the appeal site from the green belt, having regard to the particular characteristics of the site, the effects of the proposed development and other relevant factors. It seems to me that, if not protected in the longer term by green belt policy, it should be protected by other restraint policies in the short term and only released for development to meet proven needs in accordance with the housing and employment policies of the Structure Plan. Otherwise the general restraint policy would be breached. I conclude therefore that, whether or not the appeal site is properly within the green belt, it is properly subject to restraint policies such that there should be a presumption against its development unless there is a demonstrated need for its release to meet the District's housing requirements.

The appellants claim a presumption in favour of housing development under Circulars 9/80 and 22/80, because there is not currently a 5 year supply of land for private house building. This claim relies upon a building rate which does not compensate for a higher than planned building rate in the early years of the Structure Plan period. Using an average building rate derived from the Structure Plan total provision over the 15 year Plan period, or from the control level figures for the period 1981-86, they deduce that there is only a 3.9 year supply. And they claim that the council's 'recoupment' policy has not been endorsed by the Secretary of State and would have a number of undesirable consequences. However it is my understanding that a form of recoupment has been endorsed by the Secretary of State, in that he has indicated in at least one appeal decision (APP/5233/A/80/03816) that the 'residual method' of calculating housing supply is to be preferred to the 'flat rate' method. Using the residual method, the 5,034 house completions during the 1976-81 period leaves 4,266 new dwellings to be provided over the remaining 10 years of the Plan period in order to meet the total provision requirement of 9,300 dwellings stated in the Structure Plan Alterations 1980 (using approved Structure Plan figures the residual requirement is only 1,666 new dwellings), so in the 5 year period 1981-86 the Structure Plan

Alterations requirement is 2,133 new dwellings (approved Structure Plan: 833) and the identified provision over the same period is 2,622 according to the council, of which 2,420 are accepted by the appellants. Having regard also to the council's provision for the period 1986-91, I am satisfied that there is not a pressing need for the release of the appeal site for housing development at the present time.

The circumstances of the appeal decision in 1973 seem to me to have changed little in some respects and radically in others. The environmental objections are much the same now as in 1973; they have substance but are not compelling objections. The land use policy also seems to have changed little, in that there was an interim green belt presumption against development then and the green belt status is almost confirmed now. However in 1973 the need for more housing in the South East generally prevailed over the land use planning objections. Since then approved Structure Plans have decided more clearly where growth in the South East should, and should not, take place and emerging Local Plans have refined the process. Having regard to the restraint policies of the approved County Structure Plan, the proposed alterations to this Plan, the District Plan nearing its final adoption, and the provisions for housing made in these Plans, I conclude that at present the need for housing in the area concerned does not outweigh the environmental and policy objections to development of the appeal site.

In practical terms, the local highway situation is no better now than in 1973; due to the general increase in traffic it is probably worse. Theoretically the A41 is now operating at or near its design capacity, whereas in 1973 it was considered to be heavily overloaded. The remarkable difference is attributed to revised estimates of urban road capacities, but there also appears to be some inconsistency in treatment of highway matters when looking at the highway objections to an extra 33 or so houses on Tunnel Fields in 1984 and the present case. On the evidence presented, and assuming that the proposed road works are carried out, there seems to me to be a number of comparatively minor highway objections to development of the appeal site before completion of the Berkhamsted bypass. ~~They add weight to the environmental and policy objections to development of the appeal site before completion of the Berkhamsted bypass.~~ They add weight to the environmental and policy objections to development of the appeal site at the present time."

The Inspector recommended that the appeal be dismissed

3. The Secretary of State agrees with the Inspector's conclusions and accepts his recommendation. Therefore he hereby dismisses your appeal.

I am Gentlemen  
Your obedient Servant

F R ZEINDEN  
Authorised by the Secretary of State  
to sign in that behalf