

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

Other

Ref. No. ....

THE DISTRICT COUNCIL OF ..... DACORUM .....

IN THE COUNTY OF HERTFORD .....

To L. S. Cooper, Esq.,  
 Whitelea,  
 Stoney Lane,  
 BOVINGDON,  
 Herts.

Messrs. Simpson & North,  
 9 Bridge Street,  
 WIMBORNE,  
 Middlesex.

..... Two dwellings .....

xx ..... adj. Whitelea, Stoney Lane, Bovington, .....

Brief  
 description  
 and location  
 of proposed  
 development.

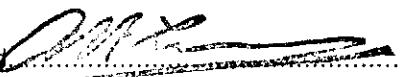
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated ..... 2nd April, 1980 ..... and received with sufficient particulars on ..... 8th April, 1980 ..... and shown on the plan(s) accompanying such application.

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

The site is within an area without notation on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979), wherein permission will only be given for the construction of new buildings (or the change of use or extension of existing buildings) for agricultural purposes, small scale facilities for participatory sport and recreation, or other uses appropriate to a rural area. The proposed development is unacceptable in the terms of this policy.

Dated ..... 29th ..... day of ..... May ..... 19 80 .....

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.



# Department of the Environment

Room 1209

Tollgate House, Houlton Street Bristol BS2 9DJ

Telex 449321

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.			Ack.		
C.P.O.	D.P.	D.C.	D.S.	Admin.	File
			Direct line 0272-218 800		
Received			Switchboard 0272-218811		
			- 8 APR 1981 GTN 2074		
Comments					

CH	VE
- 8 APR 1981	

Messrs Simpson and North  
9 Bridge Street  
PINNER  
Middlesex  
HA5 3HR

Your reference  
KCS/JP/773

Our reference  
T/APP/5252/A/80/14935/G10

Date  
= 7 APR 1981

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR L S COOPER  
APPLICATION NO:- 4/0583/80

2840

- I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of 2 dwellinghouses in Stoney Lane, Bovingdon, Herts. I have considered the written representations made by you, by the council, by the Bovingdon Parish Council and also those made by other interested persons. I inspected the sites on 19 February 1981.
- From my inspection of the sites and the representations made, I find that the main issue is whether the proposed buildings can be regarded as exceptions to the application of the County Structure Plan Green Belt Policy and its equivalent in the Draft District Plan, policy G4, on the grounds that they would constitute infilling of a type permitted by that Plan, or alternatively that the policy is not properly applicable to these sites since they are within an established residential estate.
- I have considered whether these sites have properly been included in the proposed Green Belt, but I find no reason to question their inclusion for the time being, pending a decision on the Green Belt proposals as a whole.
- I noted that Stoney Lane is little more than a farm track, unsurfaced and too narrow to allow 2 cars to pass each other. The sites are in wide gaps between the neighbouring houses and well outside the village centre. To provide an adequate road connecting them to the village would necessitate the acquisition of land from numerous frontages. To the south-east of the sites, at their rear, is a public footpath providing views of the open country, which is undulating with occasional clumps of trees. To the north-west there is a field extending to Box Lane, beyond which is woodland and more open country. The appeal sites themselves are covered with trees.
- The proposed buildings are therefore not a permissible form of infilling within a village core, and the sites do not lie within an established housing estate, but in an area of predominantly rural character with only sporadic development.
- Having considered all the other matters raised, I have decided that the proposals constitute a type of development that could neither be permitted under nor excepted from the application of Green Belt policy.

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

I am Gentlemen  
Your obedient Servant

*D M Goodacre*

D M GOODACRE RIBA MRTP I  
Inspector