

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

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Executors of Mrs S B M McElligott  
c/o Smeathmans, Solicitors  
10 Queensway  
Hemel Hempstead

Flatt & Mead  
131 The Parade  
Watford

.....One dwelling - OUTLINE.....

at .. Land adj. Bremhill, The Common, Berkhamsted .....

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  
..... 25th. April. 1984..... and received with sufficient particulars on  
..... 30th. April. 1984..... 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 the Metropolitan Green Belt on the approved County Structure Plan and the adopted Dacorum District Plan wherein permission will only be given for the use of land, the construction of new buildings, and change 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 ... 28th ..... day of ... June ..... 19 84...

Signed.....

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.

28 JUN 1984

4/0601/84. ONE DWELLING (OUTLINE).  
LAND ADJOINING BREMHILL, THE COMMON, BERKHAMSTED.  
APPLICANT: EXECUTORS OF MRS S B M McELLIGOTT (DEC'D)

DESCRIPTION - The application site comprises a paddock of 0.2 ha to the side of the detached house known as Bremhill and the site fronts on to The Common. The application proposes a single detached house.

POLICIES

County Structure Plan : Policy 2. Metropolitan Green Belt.

Dacorum District Plan : Policies 1 and 4

REPRESENTATIONS

Nettleden with Potten End  
Parish Council : Objects to the application as an ostensibly speculative proposition meeting none of the criteria of Policy 4. The site is on the very edge of the village and in no way can be considered within the main core of Potten End; consequently consideration under Policy 5 would appear inappropriate too.

County Surveyor : Comments awaited.

One local resident : Objects mainly on the grounds that: property is not part of the core of Potten End; area primarily Green Belt between Berkhamsted, Potten End and Hemel Hempstead and any further developments will produce ribbon development; no justifiable need for such properties for a local resident; seriously detrimental to the environment.

CONSIDERATIONS - The application site is a paddock situated between detached houses in a ribbon of development stretching west from Potten End. The site is Metropolitan Green Belt where new houses should only be permitted where they are for the essential needs of agriculture or forestry. No such need has been shown in this case and therefore the proposal is contrary to Green Belt policy.

The applicant states that the site is within an existing developed frontage, that it was originally intended that this plot be developed, that a dwelling would make an insignificant impact, and it would meet the demand for houses for key workers in managerial sector. However, I consider none of these considerations outweighs the overriding objection on Green Belt Policy Grounds.

✓ RECOMMENDATION - That planning permission be REFUSED (on form DC4) on the following grounds:

The site is within the Metropolitan Green Belt on the approved County Structure Plan and the adopted Dacorum District Plan wherein permission will only be given for the use of land, the construction of new buildings, change 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.

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