

A/14/2.2

**Department of the Environment**

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TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
24 FEB 1978	
FILE 0272-218870	DATE
0272-218811	

Messrs Smeathmans
PO Box 1
10 Queensway
HEMEL HEMPSTEAD
Herts
HP1 1LU

Your reference

GVB/DH

Our reference

T/APP/5252/A/77/8839/G6

Date

23 FEB 1978

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY H W HOPKINS AND W G HOPKINS
APPLICATION NO:- 4/0623/77

1. I refer to your clients' appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for a detached house on the plot adjoining "Ranworth", Megg Lane, Chipperfield. I have considered the written representations made by you, by the council and by interested persons. I inspected the site on Monday 30 January 1978.
2. From my inspection of the appeal site and surroundings and from the representations made I am of the opinion that the main issues are whether or not the proposed house can be regarded as infilling and whether or not there are special circumstances sufficient to justify the proposed house contrary to the policy for restricting non-essential development in the Metropolitan Green Belt.
3. Apart from a line of detached houses which front the main road, the housing at Megg Lane and Wayside is separated from the core of the village of Chipperfield. Although the south-westerly side of Megg Lane, about 225 m in length, is fairly continuously lined with 10 dwellings the north-easterly side, which includes the appeal site, has only 4 dwellings, all of similar size to the 10, so that it has a predominantly open appearance which is reinforced by the appearance of the fields and trees of the countryside on the rising ground beyond. Because of this separation from the core of Chipperfield and the predominantly open appearance, I do not consider that your clients' proposed house can be regarded as infilling in an otherwise built-up frontage even though it would have an existing dwelling on each side of it but instead it would contribute to the intensification of development on this side of the road which would be to the further detriment of the open appearance and rural character of the surrounding green belt area in which it is situated.
4. I do not consider that the appeal site need be unkempt or derelict if it is not built on, neither do I regard your clients' natural desire to enable a younger member of the family to live nearby as together sufficient to justify the proposed house in face of the effect it would have on the surroundings. Accordingly, I have decided to dismiss their appeal.
5. I have taken into account all the other matters made in the representations but I am of the opinion that they do not outweigh the considerations which led me to my decision.

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

I am Gentlemen
Your obedient Servant

D. J. Tuckett

D J TUCKETT ARICS, MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF **DACORUM**

IN THE COUNTY OF HERTFORD

.....

To Messrs. H. & W. Hopkins,
'The Kilve'
Megg Lane,
CHIPPERFIELD,
Herts.

..... One House,

at Plot adj. "Ranworth", Megg Lane, Chipperfield.

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 **26th May, 1977**, and received with sufficient particulars on **10th June, 1977**, 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 site is within the Green Belt allocation on the County Development Plan where there is a presumption against further development unless it is essential in connection with agricultural or other special purposes - no justification has been proven in this case to warrant a departure from this principle.
- (2) The proposal would be contrary to policy 15 referred to in the submitted County Structure Plan in that the site is not within the main core of the village.

Dated **28th** day of **July** 19 **77**...

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.