

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

MR



## DACORUM BOROUGH COUNCIL

To Mr R Austin  
Bylands  
Caddington Common  
Aley Green

Mr K Todd  
26 First Avenue  
Dunstable  
Beds LU6 3AL

One Dwelling (Outline)	
.....	
at	Land adjacent to Woodland Glee, Luton Road, Markyate.
.....	

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 **11.4.88** and received with sufficient particulars on **12.4.88** 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 a rural area beyond the Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use 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.
- (2) The proposed development would extend this isolated ribbon of development along the classified road to the detriment of the open character of the area.

Dated **Second** day of **June** 19 **88**

Signed.....

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

#### NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.



**Department of the Environment and  
Department of Transport**

Common Services

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CLERK EXECUTIVE  
OFFICE

10 DEC 1988

Refer to *elo 20/12*  
*22/04*

Mr K J M Todd AMIAS

"Hideaway"

Caddington Common

Markyate

ST ALBANS

Herts AL3 8QF

File Your reference

Our reference

T/APP/A1910/A/88/100658/P2

Date

16 DEC 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY MR R AUSTIN

APPLICATION NO: 4/0651/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission, all detailed matters reserved for subsequent approval, for a warehouseman's bungalow on land adjacent to "Woodland Glee", Luton Road, Markyate. I have considered the written representations made by you and by the Council and also those made by the Parish Council. I inspected the site on 1 December 1988.

2. From my inspection of the site and its surroundings and the representations made I am of the opinion that the main issue is whether or not the proposal would adversely affect the character of the area.

3. I note that the appeal site lies within the rural area beyond the Metropolitan Green Belt and as such falls to be considered under Policy 2 of the Dacorum District Plan, amplified in paragraph 2.4 of that plan. I have also been mindful of Policy 52 of the Hertfordshire Structure Plan and Development Control Note 4.

4. I note your submissions in regard to the existing ribbon development of bungalows and the presence of a joinery works to the rear of the site. However, I cannot concur with your view that the proposal would not impinge on the pre-dominantly rural character of the area. The appeal site itself is for the most part a grassed area with a metalled drive from the road frontage to the rear. It is bounded to the road frontage and to the south-west by a mature hedge. As such I find it is visually integrated with the surrounding open fields. A dwelling on the site would result, in my opinion, in the extension of an isolated ribbon of development, divorced from any settlement. The argument that the proposal would integrate with the existing development could, in my view, be used to justify further additions to the frontage development, leading to its gradual extension and to the erosion of the rural character of the area.

5. While I would accept that any new dwelling makes a contribution to meeting housing need, this does not convince me that a departure from the generally accepted presumption against new development in the countryside is justified. Nor are any special circumstances put forward to override this presumption. I therefore conclude that the proposal would do demonstrable harm to an interest of acknowledged importance, the rural character of the area, and I intend to dismiss this appeal.

6. I have taken into account all the other matters raised, including the appeal decision to which you refer, but these are not sufficient to outweigh the considerations that have led to my conclusions.

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

I am Sir  
Your obedient Servant

*Mary A. McClune*

MARY A McCLUNE DiPTP MRTPI  
Inspector