



Department of the Environment

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CHIEF EX TIVE

Return to Mr Randall  
15 DEC 1980  
after reporting to Mr Allen

15-12-80

Messrs Brian Andrews Associates  
The Old Dairy  
15A Upper High Street  
THAME  
Oxfordshire  
OX9 3EU

Your reference  
PDJ/MRB/308

Our reference  
T/APP/5252/A/80/9336/G5  
Date

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR P D ABRAHAMS  
LOCAL PLANNING AUTHORITY APPLICATION NO:- 4/0653/80

|                          |      |
|--------------------------|------|
| 15 DEC 1980              |      |
| TECHNICAL SERVICES DEPT. |      |
| PLANNING SECTION         |      |
| FILE No.                 | DATE |

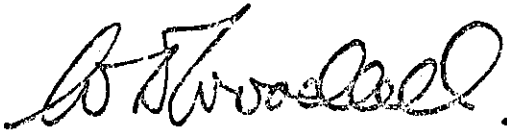
1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a 2-storey extension to the house Highfield, Bulstrode Lane, Felden. I have considered the written representations made by you and by the council and also those made by the Felden Hamlet Association.
2. I inspected the site on 12 November 1980 and observed that your client's house was located at the southern end of a loose scatter of houses on the narrow country lane known as Bulstrode Lane. I observed that your client's house occupied a prominent position on high ground when viewed from the open countryside and Bulstrode Lane to the south.
3. I noted that your client's house had been substantially extended in 1951 and 1975 and now comprised a dwelling of about 2,926 sq ft with 7 habitable rooms and 3 bathrooms. I understand your client has 2 small children.
4. From my inspection of the site together with its surroundings, and the representations made, I am of the opinion that a decision in this case turns primarily on whether the reasons you put forward are sufficient to justify an exception being made to the established policy of preventing general building development in the Metropolitan Green Belt.
5. As a starting point I have considered the proposed extension against the background of the policies of the Hertfordshire Structure Plan which was approved with modifications on 21 September 1979 to include the appeal site and its surroundings within the Metropolitan Green Belt. The council have drawn my attention to Policy No. 2 of the Structure Plan, which came into operation before the application before me in this appeal was submitted, and provides that "permission will not be given, except in very special circumstances, .... for the change of use or extension of existing buildings ....".
6. Whereas I have sympathy with your client's desire to provide a playroom/nursery for his children and sleeping accommodation for a Nanny/Housekeeper, I am not persuaded that this is sufficient to constitute "very special circumstances" for adding about another 960 sq ft to your client's already very substantial house. In my opinion the presumption against general building development in the Metropolitan Green Belt should prevail in this case.

7. On the question of whether the proposed extension would lend itself to conversion to a separate dwelling I have noted that your client would be willing to accept a condition that it should not be so occupied. I consider however that any such condition would be difficult to sustain in perpetuity under changed circumstances or changed ownership. It seems to me that by reason of the size of the proposed extension, which is equivalent to that of a small house, and its design with what amounts to a separate entrance, hall and cloakroom on the ground floor and bathroom on the first floor, it would be readily capable of being used as a separate dwelling. Moreover when viewed from the open countryside to the south it seems to me that the gable end to the proposed extension, set at right angles to the abutting gable end of the existing house, would give the completed building the appearance of 2 separate buildings.

8. I have considered all other matters raised in the written representations including the submissions to the effect that other extensions to dwellings in the area have been permitted but in this connection have to point out that each application falls to be decided on its own merits. Furthermore I have taken into account that your client is sole director of a farming company in the area, but in this connection I am not persuaded that the proposed extension is necessary for this farming enterprise. In my opinion none of the other matters raised in the written representations are of sufficient strength to outweigh the considerations that have led me to my decision.

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

I am Gentlemen  
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'W D Woodall', with a stylized flourish at the end.

W D WOODALL, FRICS FETPI  
Inspector

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

Other  
Ref. No. ....

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

IN THE COUNTY OF HERTFORD .....

.....

To P. Abrahams Esq.,  
'Highfield',  
Bulstrode Lane,  
Felden, Herts.

Messrs. B. Andrews Associates,  
13A Upper High Street,  
Thame,  
Oxon.

2 storey extension

at 'Highfields',  
... Bulstrode 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  
... 18th April 1980 ..... and received with sufficient particulars on  
... 21st 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 21st ..... 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.