

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr R E Manning
Tudor Croft
London Road
Dunstable
Beds

One dwelling (outline)
.....
.....
at Land adjoining 5 Rowbeech Cottages
.....
Watling Street, Kensworth.
.....

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 18.3.88 and received with sufficient particulars on 15.4.88 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 term of this policy.
2. The adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of this policy.
3. The access to the application site is substandard because of insufficient visibility sight lines and its use to serve the proposed development would give rise to conditions prejudicial to road safety.

Dated SECOND day of JUNE 19 88

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

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.

2 JUN 1988

4/0683/88. ONE DWELLING (OUTLINE).
LAND ADJACENT TO 5 ROWBEECH COTTAGES, WATLING STREET, MARKYATE.
APPLICANT: MR R E HANNING

DESCRIPTION - The application site comprises an open and overgrown area of 0.13 hectares ($\frac{1}{4}$ acre) on the east side of the A5 (T). A row of five terraced cottages lies immediately to the north-west of the site, and the Packhorse Public House is situated directly opposite. The remainder of the surrounding land is primarily open countryside including woodlands, agricultural land and isolated farmsteads. The site itself has a frontage of 59 m to the A5 (T) and is hidden from view by a tall, mature hedgerow. There are a pair of tall iron gates, about 3 m wide, at the north-west end of the site, but there are neither dropped curbs or hard-surfacing to this entrance and it does not appear to be utilised. At this point Watling Street (A5 (T)) is subject to the national (60 mph) speed limit. The proposal, in outline, is for one detached dwelling and access onto Watling Street.

POLICIES

Hertfordshire County Structure Plan

Policies 2 and 21

Dacorum District Plan

Chilterns Area of Outstanding Natural Beauty; Policies 2, 18, 19 and 23

REPRESENTATIONS

Markyate Parish Council

Comments awaited

Department of Transport

Comments awaited

County Surveyor

No objections in principle subject to turning area being provided and details of access being agreed.

Director of Housing and Health

Comments awaited

CONSIDERATIONS - An identical application was dismissed on appeal by the Secretary of State (ref: 4/0742/85), by reason of the inadequacy of sight and visibility lines along the A5 (T), and because the proposal was contrary to adopted rural policy. The applicant has submitted a supporting statement indicating that access can now be made by way of a slip road to the site; and that the adjoining property has recently received planning permission for a new garage and access onto the A5(T) (ref 4/0638/85). The Department of

Transport did not make a direction on that application. However circumstances have not altered since the original application, and even without a direction of refusal from the Department of Transport, the proposal is still contrary to rural policy. The applicant has not put forward any special need for the house to override normal policy considerations.

RECOMMENDATION

✓ That planning permission be REFUSED (on form DC4) for the following reasons:

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.
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And any other reason as directed by the Department of Transport.

3. *The unsatisfactory^{*} increase^{*} in the use of the access onto Watling Street^{*}*