



**Planning Inspectorate**  
**Department of the Environment**

Room 140 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927  
Switchboard 0272-218811  
GTN 1374

B/1111/JEB/P

*Handwritten:* JEB  
2 JEB

Messrs Faulkners  
Chartered Surveyors  
49 High Street  
KINGS LANGLEY  
Hertfordshire  
WD4 9JW

PLANNING DEPARTMENT						Your reference	
DACORUM BOROUGH COUNCIL						4/12828	
Ref.			Ack.			Our reference	
G.P.O.	I.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	Date
8 MAY 1990							
C. W. W. W.							

T/APP/A/1910/A/89/141924/P8

4 MAY 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR D M JOHNSON  
APPLICATION NO: 4/0736/89

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of a single storey bungalow on land adjoining 1 Megg Lane, Chipperfield, Hertfordshire. I have considered the written representations made by you and by the Council and also those made by the Chipperfield Parish Council, and interested persons, together with those made directly to the Council which have been forwarded to me. I inspected the site on 13 March 1990.

2. The appeal site is located within the Metropolitan Green Belt and, from the representations made and my inspection, I therefore consider that the main issue to be decided in this case is whether such very special circumstances exist as to justify overriding the general presumption against inappropriate development in the Green Belt and, if not, whether the development would be harmful to the objectives of national and local Green Belt policies.

I have noted that in 1975, planning permission was granted on appeal (ref T/APP/2142/A/74/1127/G5) for the erection of a dwelling on this site which at that time, formed part of the rear garden of a property known as 'Rookwood' which fronts onto Langley Road. The Inspector in that case concluded, on the Green Belt issue, that the surrounding area was almost completely built up and that the development could be regarded as acceptable infilling.

4. In dealing with the main issue, it is therefore necessary for me to consider whether there have been any significant changes in circumstances or in the emphasis given to national and local planning policies since that time. It is not disputed that the site has been within the Green Belt throughout, but the Council contends that there has been a material change in that the Dacorum District Plan was formally adopted in 1984 which provides (Policy 5) that small scale residential development may be acceptable in certain Green Belt villages, including Chipperfield, but only within the main village core. The appeal site lies well to the north-east of the nearest boundary of the village core approved for Chipperfield, but this appears also to have been the case, in effect, at the time of the 1975 appeal decision. The Council states that the then prevailing policy context was the former County Development Plan and a non-statutory review entitled 'Hertfordshire 1981' in which certain roads in Chipperfield were designated as being suitable for infilling, but that Megg Lane and Langley Road were not among these.

5. I consider however that the comparative status of the plans to which I have referred does constitute a material difference. The policy framework is now provided by a statutory local plan to which, in accordance with Government advice, as expressed in PPG12, I must attach considerable weight. Furthermore, that plan reflects the thrust of national planning policies, contained in PPG2, which state that approval should not be given, except in very special circumstances, for the construction of new buildings in a Green Belt.

6. In my opinion, therefore, I am bound by different considerations to those which the Inspector in the 1975 case was able to take into account. There is no doubt that the proposed dwelling would be inappropriate development in a Green Belt, in terms of national policy and its construction would conflict with the objectives of a formally adopted local plan.

7. I accept that the site is large enough to accommodate a suitably designed dwelling and its relationship to neighbouring dwellings is such that the occupiers of those properties would not suffer a significant loss of privacy. Nonetheless, having regard to the severe constraints on development to which I have referred, I do not find that such very special circumstances apply in this case as to justify overriding the general presumption against the construction of new dwellings. In addition, given that the immediate area of the appeal site is characterised by dwellings in large, well-wooded gardens, I consider that, if permission were granted, it would be difficult for the Council to resist similar proposals in the locality with consequent progressive harm to its character.

8. I, therefore conclude that planning permission should be refused and, although I have seen the other sites to which you have referred me, I consider that they are materially different in their characteristics to the appeal site. I have also had regard to all other matters raised in the representations, but they do not alter my views on the main planning issue.

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



P ROSSON  
Inspector

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



## DACORUM BOROUGH COUNCIL

To Mr D M Johnson  
1 Megg Lane  
Chipperfield  
Herts

Messrs Faulkners  
49 High Street  
Kings Langley  
Herts

One dwelling (single storey) (Outline)

at Adjacent 1 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 24 April 1989 and received with sufficient particulars on 25 April 1989 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 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.

Dated Twentieth day of July 1989

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.