

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
 IN THE COUNTY OF HERTFORD

L. B. Developments Ltd.,
 20-22 Lake Street,
 To LEIGHTON BUZZARD,
 Beds.

Residential development - OUTLINE

at 102 and land rear of 104-106 Wood Lane End,
 Hemel Hempstead.

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 21st May, 1981, and received with sufficient particulars on 26th May, 1981, 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 allocated for use as playing fields on the approved County Development Plan.
2. The site is considered to be of archaeological importance and is noted as such in the deposited Dacorum District Plan. Such areas are protected under Policies 11 and 12 in that Plan.

Dated 9th day of July, 19 81.

Signed.....

Designation Chief Planning Officer.

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.



Department of the Environment

Room 1319

Tollgate House Houlton Street Bristol BS2 9DJ

Telex: 449321

Direct line 0272-218 875

Switchboard 0272-218811

STN 2074

PLANNING DEPARTMENT
DISTRICT COUNCIL

Ref.	Ack.
0272-218 875	0272-218 875
0272-218811	0272-218811
STN 2074	STN 2074
Comments	
Your reference AK/HSE	
Our reference T/APP/5252/A/81/10592/67	
Date - 3 DEC 1981	

L B Developments Ltd
Honeysuckle Lodge
HEATHMORE
Leighton Buzzard
Bedfordshire
LU7 0QJ

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0737/81

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the residential development of land at 102 and the rear of 104-106 Wood Lane End, Hemel Hempstead. I have considered the written representations made by you and by the council, together with those made by an interested person. I inspected the site on 9 November 1981.
2. In my view this appeal raises 2 main issues: first, whether the land is more needed as playing fields rather than for housing, bearing in mind the designation of the area in the statutory development plan; secondly, whether the site should be preserved from development because of its archaeological importance.
3. On the first issue, the council point out that in the approved County Development Plan the site lies within an area allocated as private open space for use as playing fields. However, no further evidence is given as to any underlying need for sports grounds in the locality. I appreciate that the development plan has statutory force and is therefore a material consideration, but I am also mindful of the fact that the more recently prepared District Plan has reached an advance stage, having passed through a public inquiry. The District Plan does not designate the site for any specific use and there was apparently no objection to this change at the public inquiry into the plan. In these circumstances I do not believe that there is a clear need for the land to be used as playing fields and I do not consider that the council's objection on this ground provides a sound reason for the refusal of planning permission.
4. The archaeological importance of the appeal site arises from the discovery in 1966 of Roman remains. The site and some surrounding land is designated as an ancient monument. The remains apparently include massive walls and a sunken room, which might have been part of a temple, a mausoleum or a signal station. The council draw attention to Structure Plan and District Plan policies which aim to ensure that the most important archaeological sites are not destroyed; in this case the council believe that the remains are sufficiently important to necessitate their preservation, rather than merely the imposition of conditions to allow observation and recording to take place before and during building work.
5. Very little information is available on the precise nature of the archaeological remains under the appeal site. The County Council describe the remains as "unusual, possibly even unique". I would have thought that if the County Council seriously

considered that the site could be unique, an earlier effort might have been made to get trial excavations under way than has evidently been the case, bearing in mind that the land is owned by a public body and that the Roman remains were discovered about 15 years ago. The Ancient Monuments Inspectorate do not apparently object to the development of the site, provided that excavation and observation facilities are made available. It seems that the true archaeological importance of the site cannot at present be determined; but the evidence available does not in my view provide sufficient justification for the refusal of planning permission on archaeological grounds. I therefore conclude that your appeal should succeed, but I am imposing a condition designed to ensure that archaeological exploration of the site can take place.

6. I have noted the suggestion by the County Council that you should be required to pay the costs of excavation, but I do not support this view. I have also had regard to the comments made by the occupier of No. 114 Wood Lane End. The erection of houses on the appeal site would in my opinion have some impact on the privacy and amenities currently enjoyed by neighbouring residents but neither the council nor the occupiers of the properties which would be most affected have raised any objection in this respect. The dwellings at 100 and 104 Wood Lane End do not have any direct outlook towards the site: they both have long rear gardens and provided that the access road is adequately screened and the new houses are positioned so as to minimise any overlooking the impact of the development on residential amenities should be within acceptable limits.

7. I have taken into account all the other matters raised, but I find that none of them outweighs the considerations which have led to my decision.

8. For the above reasons and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the residential development of land at 102 and the rear of 104-106 Wood Lane End, Hemel Hempstead in accordance with the terms of the application (No. 4/0737/81) dated 21 May 1981 and the plans submitted therewith, subject to the following conditions:

1.
 - a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;
 - b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. 5 years from the date of this letter; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved;
3. facilities for archaeological excavation consistent with the proposed development and the right of regular access to the site before the construction of the proposed buildings, for the making of archaeological records by persons authorised by the local planning authority, shall be provided in accordance with a timetable and scheme agreed in writing with the local planning authority prior to the commencement of any works on the site authorised by this permission

9. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission (and for approval of the reserved matters referred to in the permission) has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally, or if the local planning authority fail to give notice of their decision within the prescribed period.

10. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'G F Self', written in a cursive style.

G F SELF MA MSc MRTPI
Inspector