

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mr. I. McGregor
Forge Hill
Chipperfield Road
Bovingdon
Herts

Maurice Phillips Partnership
30 Bovingdon Green
Hemel Hempstead
Herts

Detached Cottage (Outline)

at Forge Hill, Chipperfield Road.

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 28.5.86. and received with sufficient particulars on 26.86. 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 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 agriculture or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such overriding need has been proved and the development is unacceptable in terms of this policy.

Dated 17 day of July 19 86

Signed

W. B. Marshall

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.

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Department of Transport

Common Services

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4/764/86 21891



CHIEF EXECUTIVE
OFFICER

16 SEP 1987

File Ref.

Refer to

Closed

CHIEF EXECUTIVE
DACORUM BC
CIVIC CENTRE
HEMEL HEMPSTEAD
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PLANNING DEPARTMENT					
DACORUM DISTRICT COUNCIL					
4/764/88				Ack	Out reference
DO	DP	DC	SC	Admin	File
					✓
Received				16 SEP 1987	
Comments					

Your reference

Out reference

Date

T/APP/A1910/A/86/059711/P2

29 JUN 87

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR I MACGREGOR
APPLICATION NO: 4/0754/86

- I have been appointed to determine the above appeal against the decision of Dacorum Borough Council to refuse outline planning permission for the erection of a detached dwelling at Forge Hill, Chipperfield Road, Bovingdon.
- As you know I conducted an informal hearing of the appeal on 20 May 1987; consequently I consider that the main issue to be determined is whether or not the proposal would be significantly at odds with policies for the control of development in the Metropolitan Green Belt, or have any major impact on the character of the surrounding area.
- The approved Hertfordshire Structure Plan confirms that the Metropolitan Green Belt is to extend generally over this part of the county while the adopted Dacorum District Plan defines the precise boundaries of the green belt in the vicinity of Bovingdon.
- Although residential curtilages extend outwards from the village centre along both of Chipperfield Road as far as Rent Street Barns the Council has chosen to draw the green belt so as to include the eastern end of this ribbon of development, within which the appeal site is located. The Council therefore considers that there are decisive policy objections to the type of consolidating infill development which your client proposes. Moreover they believe that an additional dwelling here would set a precedent for further erosion of the spacious rural character of the area.
- In my view there is no really clear-cut change in character between those built-up parts of Chipperfield Road included in the green belt and those excluded from it, although there is a tendency for the dwellings to become larger, somewhat more separated from each other, and more obscured behind hedges and other planting as one moves east towards the open country.
- Because of the infilling that had already taken place near the appeal site before the precise terms of green belt policy in this area were clarified by the adoption of the district plan in 1984, your client's proposed development site is one of the very few remaining potential building plots in Chipperfield Road where development could take place in reasonable conformity with the character of nearby dwellings. Moreover, if the existing vegetation along the site boundaries was retained in the way in which you suggest, I consider that a house could be built here with very little visual impact on its surroundings.

7. In my view implementation of this proposal would not compromise any of the essential objectives of national and local green belt policy particularly since the effective built-up area of Bovington would not be expanded. Nor would approval of the proposal create a significant wider precedent. I shall therefore allow your client's appeal.

8. I have taken account of all other representations made in the course of this appeal including the personal circumstances of your client in wishing to provide accommodation for his elderly mother. However neither this matter, nor any other factors, have outweighed the considerations which have led to my decision.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant outline planning permission for the erection of a detached dwelling on land at Forge Hill, Chipperfield Road, Bovington in accordance with the terms of the application (No 4/0764/86) dated 28 May 1986 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.

10. 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 this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

11. 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

R. S. Foster

R S FOSTER MA MRTPI
Inspector

PERSON TAKING PART IN THE HEARING

Mr J True - of Titmus Fainer and Webb

Mr R J Chapman - of Dacorum Borough Council

ADDITIONAL DOCUMENTS PRODUCED AT THE HEARING

1. Written statement on behalf of appellant
2. Refusal notice dated 7/9/65