

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To J Keen (Tring Transport)
Lower End Garage
Marsworth

Messrs Brown & Merry
41 High Street
Tring
Herts

.... 5 dwellings (Outline)
.....
at .. Land rear of 38. Rambling Way, Potten End
.....

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 9th. June. 1983 and received with sufficient particulars on 16th June 1983 and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:—

1. Policies 4 and 5 of the deposited Dacorum District Plan seek to restrict development in some villages, including Potten End, within the Metropolitan Green Belt (as extended by the Approved Country Structure Plan (1979) and shown on the deposited Dacorum District Plan) to that which meets the stated infilling criteria and which is for an essential use appropriate to the rural area as detailed in Policy 4. The Proposed development has not been justified in terms of these policies.

Dated 21st day of July 19 .. 83 ..

Signed.....

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, 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.
- (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 and
Department of Transport**

Common Services

Room 1420 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

**CHIEF EXECUTIVE
OFFICER**

9667		15 JUN 1984	
PLANNING DEPARTMENT		DACORUM DISTRICT COUNCIL	
Direct Line Ref. 0272-218 927		Refer to ...	
Switchboard 0272-218811		Cleared	
C.F.O.	D.P.	C.C.	B.C.
GTN-2074		Admin.	File
Receive Your reference		15 JUN 1984	
Common reference		T/APP/A1910/A/84/10215 / P4	
Date		14 JUN 1984	

A E King Esq BA(Hons) ~~BRE~~
Fairways
Lockers Park Lane
HEMEL HEMPSTEAD
Herts

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY J KEEN (TRING TRANSPORT)
APPLICATION NO:- 4/0788/83

- As you know I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This appeal is against the decision of the Dacorum District Council to refuse outline planning permission for 5 dwellings on land at the rear of 38 Rambling Way, Potten End. I have considered the written representations made by you and by the council and Parish Council and also those made by interested persons. I inspected the site on 2 May 1984.
- From my inspection of the site and the surrounding area and from the various representations which have been submitted, I have reached the conclusion that the main issues in this case are firstly whether or not the proposed development of the land would conflict with the firmly established Green Belt policies which seek to protect this part of Hertfordshire and if not whether the proposed 5 dwellings would detract to an unacceptable degree from the amenities of the adjoining residential properties or whether they would detract from the character of the area as a whole.
- The appeal site forms part of the curtilage of No 38 Rambling Way but the main part of the site lies well to the rear of the house and only the proposed access would affect the more formal part of the existing garden. The making of an access would, however, require the removal of the existing private swimming pool. It is proposed that the houses should be built on the rear part of the land which is laid out primarily as a roughly grassed orchard with a number of small fruit trees and 5 large oak trees, which are identifiable from some distance away. The site is fairly even and the boundaries regular. However, the land does slope to the south and it is therefore somewhat dominated by the newer development of The Laurels to the north while, in turn, the site itself rises above the older bungalows in the front part of Rambling Way.
- Both the modern houses at The Laurels and the older bungalows seem to be neat and well cared for but with fairly restricted gardens, (particularly in the case of the newer development) and although the rear part of the site is bounded on the east by more wooded ground and on the west by the silver birches and other trees in the vicinity of 38 Rambling Way, the effect is of a fairly tightly developed residential area. No 38 Rambling Way is an attractive bungalow and garage set on what would be a reasonably spacious plot even if the appeal site, or a substantial proportion of it, were to be severed from No 38. In my view it would be possible for a garage to be placed within a reduced curtilage for No 38 without detracting

either from the house itself or from the character of this part of Rambling Way which is lined by attractive dwellings of mixed types.

5. Potten End is a substantial village set in a rural landscape with some community facilities, such as shops, and a wide range of dwelling types and styles. The road pattern is varied and intricate and some houses are well set back from the main highways. The County Structure Plan makes it clear that Potten End lies within the Green Belt but also makes clear that for certain settlements the Green Belt boundary is to be drawn around the settlement in a way which would allow limited development within selected villages in accordance both with Structure Plan policies and with policies to be set out in Local Plans. Both the Structure Plan and the "Dacorum District Plan" make it clear that housing development is not 'normally' acceptable in the Green Belt but it seems to me that the identification of Potten End in Policy 5 of the Local Plan, taken in conjunction with the provisions of the Structure Plan indicates that small scale residential development may be permissible within the main core of the village depending, of course, on its effect on the character of the village or of the surrounding area.

6. In this case you propose the erection of 5 dwellings on a site of approximately one acre in area and I take the view that in some cases, where a residential curtilage may be more than the householder now wants, it can usefully be developed if the conditions are right. In this case the appeal site is surrounded by residential development and I have no doubt that the requirements of highway safety and convenience could be met by a suitably detailed proposal. However, in this case the essentially linear character of the site makes it necessary for an unusually high proportion of the site area to be given over to circulation and also constrains the form of development. It seems to me that the layout drawing attached to your outline planning application illustrates these factors and I have concluded that it would not be possible to devise a scheme for the layout of 5 houses, however carefully designed, without giving rise to unacceptable problems of overlooking and intrusion into neighbours' privacy or without creating a cramped style of development out of character with the immediate surroundings or indeed with the character of the village as a whole. In my opinion therefore the proposal would be out of character with the village, and should not be allowed.

7. I have taken into account all the other matters raised in the representations but find nothing in them to outweigh those factors which have led me to my decision. Therefore for the above reasons and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir

Your obedient Servant



R C SHRIMPLIN MA(Cantab) DipArch RIBA MRTPI ACI Arb
Inspector