

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



## DACORUM BOROUGH COUNCIL

To Mrs Fentum  
The Bothy  
Nettleden Road  
Little Gaddesden

Mr J Lewis  
117 Chambersbury Lane  
Hemel Hempstead  
Herts  
HP3 8BE

..... Conversion of Stables to Dwelling. ....
.....
at ..... 'The Bothy' .....
..... Nettleden Road, Little Gaddesden. ....

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 ..... 1.5.88 ..... and received with sufficient particulars on ..... 3.5.88 ..... and shown on the plan(s) accompanying such application.

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

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 conversion of this building is unsympathetic to its existing character and thus unacceptable in the terms of this policy.

Dated ..... FOURTEENTH ..... day of ..... JULY ..... 19 88

Signed ..... *Wm Bannister* .....

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.

THIS AGREEMENT is made the 25<sup>th</sup> day of

June

One thousand nine hundred and sixty nine

BETWEEN JOHN BRIAN WATERTON of "Conkers", Hempstead Lane, Potten End, in the County of Hertford, of the one part and THE BERKHAMSTED RURAL DISTRICT COUNCIL of the other part.



WHEREAS

1. By an Agreement made the 26th October, 1966, between Bridget Elizabeth Talbot (thereinafter called "the owner") and the Rural District Council of Berkhamsted (thereinafter called "the Rural Council") the owner being the owner of the two plots of land adjoining Little Gaddesden House, Little Gaddesden, within the Berkhamsted Rural District in the County of Hertford, shown coloured blue and green on the plan attached thereto (thereinafter called "the blue land" and "the green land") agreed and declared (inter alia) that in the event of a dwelling being erected on the blue land the derelict dwelling known as the Garden Bungalow now on the green land should be removed before any dwelling erected on the blue land was occupied.
2. The said John Brian Waterton (hereinafter referred to as "the Owner") is now the owner in fee simple of the said two plots of land (hereinafter referred to as "the blue land" and "the green land").
3. The Owner made an application being No. W/758/69 and dated 19th March, 1969, and amended by letter of the 18th June, 1969, in accordance with the Town and Country Planning Act, 1962, and the Town and Country Planning General Development Order, 1963, to the Berkhamsted Rural District Council (hereinafter referred to as "the Rural Council") acting as agents to the County Council of the Administrative County of Hertford as local planning authority for planning permission for the conversion of the derelict dwelling known as the Garden Bungalow and outbuildings (hereinafter referred to as "the derelict dwelling") now on the green land, to stabling for private use.
4. By virtue of the provisions of Sections 6(1) and 14(1) of the Hertfordshire County Council Act, 1960, an undertaking may be given to the Rural Council by the owner of a legal estate in land and an agreement may be made between the Rural Council and the owner of a legal estate in land being an undertaking and agreement given under seal either on the passing of plans or otherwise in connection with the land and expressed to be given or made in pursuance of section 6 of the Act and such undertaking and agreement shall be binding upon the Owner joining in it and upon the successors in title of the owner so joining and any person claiming through or under them.

NOW THEREFORE

(1) the Owner hereby UNDERTAKES with the Rural Council and agrees and declares that in the event of the derelict dwelling being converted into stabling for private use it shall not thereafter be used or converted into a dwelling for human habitation;

(2) the Rural Council in the event of the derelict dwelling being converted into stabling for private use as aforesaid AGREES and declares that the Owner and his successors in title shall in that event no longer be bound by the undertaking given in the said Agreement of 26th October, 1966, whereby the derelict dwelling shall be removed before any dwelling erected on the blue land is occupied.

The Owner and the Rural Council hereby Acknowledge that this undertaking and agreement are made in pursuance of section 6 of the Hertfordshire County Council Act, 1960.

IN WITNESS whereof the Owner has hereunto set his hand and seal and the Rural Council have caused their Common Seal to be hereunto affixed the day and year first before written.

SIGNED SEALED AND DELIVERED

by the said John Brian  
Waterton in the presence of

*DR Watford*  
356 Old Bedford Road,  
Luton, Beds.

*John Brian Waterton*

The COMMON SEAL of the Rural  
District Council of Berkhamsted  
was hereunto affixed in the  
presence of

*E. J. Foxall*

Chairman

*A. J. ...*

Clerk

✓ RECOMMENDATION - That planning permission be REFUSED (on form DC4) for the following reason:

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 conversion of this building is unsympathetic to its existing character and thus unacceptable in the terms of this policy.

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