

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

DACORUM

THE DISTRICT COUNCIL OF

IN THE COUNTY OF HERTFORD

To E. W. Tomblin & Sons Ltd.,
Ver House,
London Road,
MARKYATE,
Herts.

Messrs. Gwyn H. Morris & Partners,
8 High Street,
HARPENDEN,
Herts.

One dwelling, junction of Pickford Road/Friendless
Lane, Cheveralls Green, Markyate.

at

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
14th May, 1980 and received with sufficient particulars on
15th May, 1980 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 Chilterns Area of Outstanding Natural Beauty on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979), wherein permission will only be given for the construction of new buildings (or the change of use or extension of existing buildings) for agricultural purposes, small scale facilities for participatory sport and recreation, or other uses appropriate to a rural area. The proposed development is unacceptable in the terms of this policy.

Dated 19th day of June, 1980.

Signed 

Designation Director of Technical Services

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.

DTS.

**Department of the Environment**

Room 1209

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

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GTN 2074

CHIEF EXECUTIVE

OFFICE

12 FEB 1981

File Ref.

Refer to

Cleared

E W Tomblin & Sons Ltd
Ver House
London Road
MARKYATE
Hertfordshire
AL3 8JP

Your reference

DRT/MH

Our reference

T/APP/5252/A/80/12306/G10

Date

11 FEB 1981

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0812/80

J02528

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 erection of a dwelling on land situated at the junction of Pickford Road and Friendless Lane, Cheverells Green, Markyate, Hertfordshire. I have considered the written representations made by you, by the council and by other interested persons. I inspected the site on Tuesday 30 December 1980.

2. From my inspection of the site, and from the representations received, I consider the main issue to be decided is whether or not the proposal would be detrimental to the character of the area.

3. The appeal site, roughly rectangular in shape, lies some half mile south-west from the centre of Markyate village, on the south side of Friendless Lane at the junction of Pickford Road, Cheverells Green. The site, having frontages indicated by you, of 114 m and 35 m onto Pickford Road and Friendless Lane respectively, is bounded by hedgerows and established trees. Generally the site has become derelict by the random tipping of spoil and rubble. To the north of the site is Little Cheverells, a house in large grounds, beyond which is 5 relatively modern dwellings. To the south of the site are 3 substantial houses located well back from the road, on large plots, the nearest being known as Gilvers is of relatively modern construction. Opposite the site, to the west, is open agricultural land with the exception of a group of 3 properties and a disused school building. To the east the appeal site is bounded by a paddock, understood to be attached to the garden of Gilvers. Immediately to the south of the site, and on the opposite side of Pickford Road, the area is characterised by wide grass verges.

4. In support of your appeal, it is your contention that Cheverells Green, whilst not being in the main core of Markyate, nevertheless forms the westernmost limit of the village, where infilling is indicated in the draft District Plan as being acceptable development, and the Green Belt presumption against new buildings need not apply. It is your view that, as the appeal site generally meets the criteria contained in Development Control Policy Note No 4 and the draft District Plan, the proposal should properly be considered as infilling within an established settlement, and not as an extension to an isolated group of houses, or extending the present village limits. You argue that, because the site is well screened and no trees would need to be removed, the development of a house on the appeal site, designed with the natural beauty of the area in mind, would not be harmful to the village or

surroundings, and would offer an opportunity to provide a new house in a village location, on a site which is at present derelict and has no agricultural viability.

5. The council state that the site falls within the Chiltern area of Outstanding Natural Beauty, and in the area beyond the Metropolitan Green Belt where the approved County Structure Plan policy is a strong presumption against new buildings, except for purposes of agriculture, recreation or the like, and that the preservation of the beauty of the area will be of primary importance. In addition, the appeal site lies within an area where agriculture and forestry will have priority and urban related activities will normally be restricted. It is argued that Cheverells Green is considered to be scattered development, some distance from the centre of Markyate, and therefore subject to Green Belt policies. The consistency of this attitude is supported by a number of refusals, including an appeal dismissal, for development proposals involving the appeal site. Additionally, the council are of the opinion that the site fails; on most counts, to meet the accepted criteria set down for infill sites.

6. Notwithstanding your claim that the appeal site falls within the limits of the existing development which forms the village of Markyate, I cannot agree that the site under consideration can reasonably be regarded as infill. In my opinion, the site is neither a small gap in an otherwise built-up frontage, nor is it a minor part of a whole frontage, and in addition I consider that to permit the construction of a dwelling on the site would result in further pressures for similar development and a loss to the generally open character of the area.

7. As a result of my site inspection, I have come to the conclusion that the open character of Cheverells Green, differs significantly from that which exists to the north towards Markyate village, in that the properties are set in large gardens and apart from small exceptions, are scattered and set in rural surroundings. I am therefore of the view that the council is correct in regarding Cheverells Green as being away from Markyate village, and that the development proposed for the site, should be judged within the approved policies of restraint on new buildings in a rural area beyond the Metropolitan Green Belt.

8. In my opinion, the erection of the proposed dwelling would extend the existing scattered development of Cheverells Green, and represent an undesirable intrusion into the countryside, contributing to the erosion of the pleasant rural character of the area.


9. Whilst I may agree that a dwelling on the site, screened by hedges and trees may not, in itself, be significant, its presence will inevitably attract movement of pedestrians and vehicles, thus increasing the urban activities contrary to the aims of Green Belt policies.

10. You claim no agricultural or other special circumstances in support of your appeal.

11. I have taken account of all other matters raised, including the derelict condition of the site, its planning history and your views on its agricultural value, but regret they are not of sufficient weight to alter my decision.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

I am Gentlemen
Your obedient Servant



G S WEBB CEng MIMunE
Inspector