

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr. P.A. Ludlam
Shenstone
Gravel Path
Berkhamsted
Herts.

Messrs. Clifford W. &
R.C. Shrimplin
11 Cardiff Road
Luton
Beds.

..... Three dwellings (Outline)
.....
at 'Medlar Tree', Gravel Path, Berkhamsted, Herts.
.....

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 5 April 1989 and received with sufficient particulars on 4 May 1989 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 existing trees and other vegetation on the site and in particular the embankment between the site's frontage and the highway make a valuable contribution to the visual amenity of the semi-rural character of Gravel Path. Significant engineering operations to the embankment to provide sight lines and a kerb radii, which would be required to improve the existing sub-standard access to meet adopted standards, would be to the permanent detriment of the semi-rural nature of both the south-western and north-eastern embankments of the site frontage by:
 - (a) permanently reducing the extent of vegetation;
 - (b) changing the shape and appearance of the embankment;
 - (c) causing a greater likelihood of and unnecessary potential damage to existing trees of high amenity value.

Cont.

Dated day of 19

Signed..... *Wm Barnard*

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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2. The cumulative effect of the changes referred to in reason 1 would be to the long term detriment of the Gravel Path locality and encourage other similar proposals in an environmentally sensitive part of the built up area of Berkhamsted.
3. The siting of the dwelling on the north-eastern side of the plot as shown on Drawing No. 4272-89-5 would be likely to prejudice the future of the nearby walnut tree which is of high amenity value.
4. The proposed sight lines are sub-standard and therefore the use of the access serving the three units would be likely to be seriously prejudicial to highway safety.

Dated 19 October 1989

Signed



Chief Planning Officer