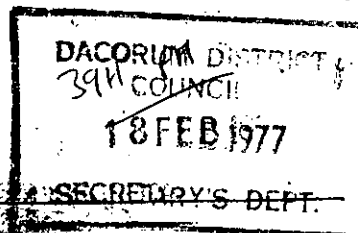


Department of the Environment

Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 405



N J Middleton Esq
6 Linsey Close
HEMEL HEMPSTEAD
Herts

Your reference

Our reference

T/APP/5252/A/76/7072/08

Date

16 FEB 1977

- 3 MAR 1977

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 850/76D

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 between "Dunaber" and "Sunnymede", Long Lane, Bovingdon. I held a local inquiry into the appeal on Wednesday 19 January 1977.
2. From the representations made in the course of the inquiry, and my inspection of the appeal site and its surroundings, I am of the opinion that the determining issue is whether the proposed development would be in character with the surrounding area.
3. The appeal site is about 1.1 hectares of pasture land, with a frontage of some 220 ft on Long Lane. The northwestern border gives on to further extensive pasture land, and the northeastern and southwestern borders adjoin residential uses, a small plantation of evergreen trees, and what appears to be a car breakers yard. Residential development along Long Lane is scattered and much of it is of pre-planning age. The main part of the settlement of Bovingdon lies about $\frac{1}{2}$ mile to the north.
4. I note that the site lies within a proposed extension to the Metropolitan Green Belt and I have considered whether it has been appropriately included therein. I can, however, find no reason to question its inclusion for the time being, pending a decision on the green belt proposals as a whole. It seems to me that the locality of the site is well divorced from the main core of Bovingdon village and that it retains a rural rather than an urban character, despite the ribbon of sporadic development, mainly of some age, along both sides of Long Lane. I accept the contention of the council that your proposal does not constitute in-filling and I have noted their consistent policy over a number of years in the context of residential development in this area. In my opinion your proposal is unacceptable in that it would consolidate the scattered development on Long Lane to the detriment of the rural character of the locality.
5. I have given careful consideration to your requirement for this dwelling in connection with your proposed horticultural use of the remainder of the site. It clearly would be convenient for whoever is working the land to live on the site but there is no evidence that it would be essential for the type of crop proposed. Nor do I accept that residence on the site would be essential to safeguard machinery and produce. I have also considered all the other matters raised in the course of the inquiry, but in my opinion they are not strong enough to outweigh the planning objections I find to your proposal.

Department of the Environment
2 Marsham Street
LONDON SW1P 3EB

RIGHT TO CHALLENGE THE DECISION

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given.

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is, the Inspector has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No 420), which relate to the procedure on appeals transferred to Inspectors.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

RIGHT TO INSPECT DOCUMENTS

Under the provisions of rule 16(2) of the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 any person entitled to be notified of the decision given in the accompanying letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, for an opportunity of inspecting any documents, photographs and plans listed in the notification. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days' notice should be given, if possible.

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

I am Sir
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'A H Gibb', with a stylized flourish at the end.

A H GIBB MBIM
Inspector