

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other  
Ref. No. ....

THE DISTRICT COUNCIL OF DACORUM  
IN THE COUNTY OF HERTFORD

To Mr. Conrad Hurst,  
c/o Messrs. Weller, Hill & Hubble,  
15 Church Street,  
RICKMANSWORTH,  
Herts.

One Dwelling  
at Copse Hill Nursery, Flaunden Lane, Bovington.

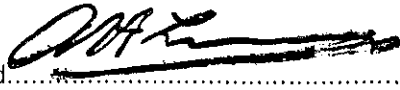
Brief  
description  
and location  
of proposed  
development.

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 22nd July, 1977, and received with sufficient particulars on 4th August, 1977, 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 without notation on the County Development Plan where there is a presumption against further development unless it is essential in connection with agricultural or other special purposes - no justification has been proven in this case to warrant a departure from this principle.

Dated 15th day of September 19 77.

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.

4/0851/77

File  
DTS Team



Department of the Environment  
Room 1309  
Tollgate House Houlton Street Bristol BS2 9DJ  
Tclex 449321

TECHNICAL SERVICES DEPT

RECEIVED BY

862/78

18 JUL 1978

Direct line 0272 218 865  
Switchboard 0272 21881

Messrs Penman, Johnson and Ewins  
19-21 Clarendon Road  
WATFORD  
Herts

CHIEF EXECUTIVE

28 JUL 1978

DTS

Your reference

Our reference  
T/APP/5252/4/77/10927 and 10674/09

Date  
27 JUL 78

009354

Gentlemen


TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEALS BY MR CONRAD HURST  
APPLICATION NOS: 4/0851/77 AND 4/0852/77

1. I refer to this 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 and the conversion of an existing building to a dwelling at Copse Hill Nursery, Flaunden Lane, Bovingdon. I held a local inquiry into the appeal and inspected the site and surroundings on 28 June 1978.
2. The site is in a rural setting about a mile from Bovingdon village. Green Belt policies have been applicable here for a number of years with the Minister's approval. Private residential development would need to be justified by clear circumstances of agricultural necessity and this was in fact the case put forward on behalf of your client. What has to be decided is whether the case is a strong enough one.
3. Of the 3 large greenhouses on the site only one is in production, the main reason I understand being the difficulty of getting suitable staff. There is also planning permission extant since July 1976 for further greenhouses (about 8,000 sq ft).
4. Reference was made at the inquiry to the circumstances of your client's earlier appeal which was dismissed by Department of the Environment letter of 26 March 1975. The purpose of the dwelling which he then wanted to build was the same as now but the circumstances were different in several ways, the most important being that at that time your client still owned Copse Hill House and The Lodge on the main road. The Minister took the view that with these 2 houses available, notwithstanding that your client was at that time wishing for financial reasons to dispose of them, there was insufficient justification for another dwelling. In May 1975 The Lodge was sold and, later on, Copse Hill House.
5. What your client wants is a manager's house and he maintained, reasonably in my view, that Copse Hill House would in any case have been much too large for the purpose. He said that The Lodge, a 2 bedroomed house, would have been too small and was poorly designed; having been round this house I cannot agree. No doubt it has been improved by the present owners but in any case I consider that it is and was a suitable house for a manager and of course very conveniently placed. In the light of the evidence I accept that it would be greatly to your client's advantage

to have a manager's house on the spot but in this particular area and in the light of the Green Belt policies, which to be effective must be strictly applied, the planning objections are very real ones: whatever his personal reasons for disposing of Copse Hill House and The Lodge I consider that the council have in the circumstances acted reasonably in refusing permission for another dwelling. I have taken into account the other points which were advanced with clarity and skill in favour of the appeal but I do not find them such as to justify your client's proposal either for a new house or the conversion of the stable building.

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

I am Gentlemen  
Your obedient Servant



J M KISCH CMG MA  
Inspector

FILE  
DTS Team  
TECHNICAL SERVICES  
RECEIVED BY  
Direct line 0272 218 865  
Switchboard 0272-2188113 JUL 1978  
862/ps



Department of the Environment  
Room 1309  
Tollgate House Houlton Street Bristol BS2 9DJ  
Tclex 449321

Your reference

Our reference

T/APP/5252/A/77/10927 and 10674/G9

Date

27 JUL 78

Messrs Penman, Johnson and Evans  
19-21 Clarendon Road  
WATFORD  
Herts

CITE EXCISE LIVE  
28 JUL 1978  
DTS

009354

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEALS BY DR CONRAD HURST  
APPLICATION NOS: 4/0851/77 AND 4/0852/77

1. I refer to this 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 and the conversion of an existing building to a dwelling at Copse Hill Nursery, Flaunden Lane, Bovington. I held a local inquiry into the appeal and inspected the site and surroundings on 28 June 1978.
2. The site is in a rural setting about a mile from Bovington village. Green Belt policies have been applicable here for a number of years with the Minister's approval. Private residential development would need to be justified by clear circumstances of agricultural necessity and this was in fact the case put forward on behalf of your client. What has to be decided is whether the case is a strong enough one.
3. Of the 3 large greenhouses on the site only one is in production, the main reason I understand being the difficulty of getting suitable staff. There is also planning permission extant since July 1976 for further greenhouses (about 8,000 sq ft).
4. Reference was made at the inquiry to the circumstances of your client's earlier appeal which was dismissed by Department of the Environment letter of 26 March 1975. The purpose of the dwelling which he then wanted to build was the same as now but the circumstances were different in several ways, the most important being that at that time your client still owned Copse Hill House and The Lodge on the main road. The Minister took the view that with these 2 houses available, notwithstanding that your client was at that time wishing for financial reasons to dispose of them, there was insufficient justification for another dwelling. In May 1975 The Lodge was sold and, later on, Copse Hill House.
5. What your client wants is a manager's house and he maintained, reasonably in my view, that Copse Hill House would in any case have been much too large for the purpose. He said that The Lodge, a 2 bedroomed house, would have been too small and was poorly designed: having been round this house I cannot agree. No doubt it has been improved by the present owners but in any case I consider that it is and was a suitable house for a manager and of course very conveniently placed. In the light of the evidence I accept that it would be greatly to your client's advantage

to have a manager's house on the spot but in this particular area and in the light of the Green Belt policies, which to be effective must be strictly applied, the planning objections are very real ones: whatever his personal reasons for disposing of Copse Hill House and The Lodge I consider that the council have in the circumstances acted reasonably in refusing permission for another dwelling. I have taken into account the other points which were advanced with clarity and skill in favour of the appeal but I do not find them such as to justify your client's proposal either for a new house or the conversion of the stable building.

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

I am Gentlemen  
Your obedient Servant



J M KISCH CMG MA  
Inspector