

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

Other  
Ref. No. ....

THE DISTRICT COUNCIL OF ..... DACORUM .....

IN THE COUNTY OF HERTFORD .....

To Fairview Estates Ltd  
50 Lancaster Road  
Enfield  
MiddxMessrs Irons, Cobert & Styles  
2 River Front.  
Enfield  
Middx

One dwelling

at Land between 6 Botley Road and 27 Latimer Close, Hemel Hempstead

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 9th July 1982 ..... and received with sufficient particulars on 13th July 1982 ... and shown on the plan(s) accompanying such application..

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

The proposed development would result in the undesirable loss of a childrens play area which was incorporated into the approved estate layout and which provides a valuable amenity for adjoining and nearby residents.

Dated 9th ..... day of ..... September ..... 19 82...

Signed .....  
Chris Barnard

Designation Chief Planning Officer

## 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.



**Department of the Environment and  
Department of Transport**

Common Services

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Comments

Your reference

Our reference

T/APP/5252/A/83/2636/PH3

Date

4 JUL 83

Messrs Irons, Cobert and Styles  
2 River Front  
ENFIELD  
Middlesex

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY FAIRVIEW ESTATES LTD  
APPLICATION NO:- 4/0854/82

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 4-bedroom dwelling on land between 6 Botley Road and 27 Latimer Close, Hemel Hempstead. I have considered the written representations made by you and by the council, and also those made by interested persons. I inspected the site on 14 June 1983.
2. The appeal site has an area of about 335 sq m and is a hard-surfaced children's play area. It is situated between existing dwellings in a recently-developed residential area.
3. In the old-style county development plan the site was in an area allocated for primarily residential purposes. The council have not pointed to any policies of the county structure plan as bearing directly on this case; but they have drawn attention to some in the Dacorum district plan, which is well on the way to adoption. In particular, its policy 64 states that in specified areas of which this is one, planning permission will normally be granted for residential development on small sites provided certain other policies are complied with.
4. From my inspection of the site and its surroundings, and from the representations, I consider this appeal turns on whether the need to retain the site in its present use outweighs the general presumption expressed in the policy I have just quoted in favour of your client's proposal.
5. You say in the grounds of appeal that the appeal site is not now required for the purpose for which it was originally intended. You do not, however, submit any evidence to support that contention. The local residents who have written about the appeal do not accept that the play area is no longer needed. The council point out that provision of small units of play space within this residential area as well as main areas of open space had been in mind from the time when planning permission for residential development was first granted. They do not give any indication that they regarded it as a temporary arrangement.
6. I saw for myself that apart from the woods to the west, where mothers of young children might hesitate to let them play on their own, there is now nowhere else for children in this vicinity to play in groups and off the street without crossing

JUNCL

Ref.

Ack.

C.P.O.

D.P.

Admin.

File

9-DJ

- 6 JUL 1983

DATE EXCLUSIVE

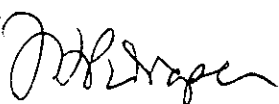
- 5 JUL 1983

Shenley Road, where I saw traffic moving quite fast. This has come about because between 31 Botley Road and Shenley Road, where there used to be a similar play area, a house is now being built in pursuance of the planning permission granted in 1980 that the council mention. That play area was, perhaps, itself uncomfortably near Shenley Road. But whatever the reason underlying its being put to another use, that change has in my opinion considerably strengthened the case for keeping the appeal site as it is.

7. I am, accordingly, satisfied that the need to keep the play space outweighs the presumption in favour of building a house on it. I have considered all the other matters raised, but they do not outweigh the factors that have led to my decision.

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

I am Gentlemen  
Your obedient Servant



J H P DRAPER  
Inspector