

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To H. W. Congdon Esq., Charles F. Friend Planning Ltd.,
11 Munfield, North Road,
Chipperfield, Shorncliffe Ind. Estate,
Herts. Folkestone, Kent.

..... Bungalow and garage,

at The Orchard,

Scatterdells Lane, Chipperfield, 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
.... 18th May 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:—

1. The site is within the Metropolitan Green Belt on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) and the Dacorum District Plan wherein planning permission will only be given for use of land, the construction of new buildings, changes of use or extension of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.

Dated 19th day of August 19 82

Signed 
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

Room 1309 Tollgate House Houlton Street Bristol

Telex 449321

CPO

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL		CHIEF EXECUTIVE OFFICER	
Ref. BS2 9 DJ		14 JUN 1983	
C.P.O.	D.P.	File Ref.	Ack.
Direct line 0272-218	865	Refer to	Admin. File
Switchboard 0272-218811		Cleared	

Received	14 JUN 1983
Comments reference	
Our reference	
T/APP/5252/A/83/00747/PH3	

Date

13 JUN 1983

Charles F Friend (Planning) Ltd
Shorncliffe Industrial Estate
North Road
FOLKESTONE
Kent
CT20 3HH

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR H W CONGDON
APPLICATION NO: 4/0856/82

1. I refer to your client's appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for the erection of a bungalow and garage on land at The Orchard, Scatterdells Lane, Chipperfield, Hertfordshire. I have considered the written representations made by you and by the district and parish councils and also those made by interested persons.

2. From all the written representations made and from my inspection of the appeal site and its surroundings on 3 May 1983 it is my opinion that this case turns on whether there are any very special circumstances sufficient to set aside the usual strong general presumption against residential development in a rural area which is part of an approved green belt.

3. The flat appeal site orchard of some 3.77 acres has a long frontage on the north-west side of Scatterdells Lane. It is near a few dwellings but forms part of the generally open agricultural land on the north-west side of Chipperfield where the rural area is within an approved green belt. In such areas, the local planning policies of the approved county development plan, the approved county structure plan and the draft Dacorum district plan aim to limit residential development in order to protect and preserve the countryside for the benefit and enjoyment of all. I am certain that those aims are very relevant in this case and that your client's project could be justified only in exceptional circumstances.

4. I appreciate that your client bought the appeal site in March 1982 with the intention of clearing the orchard trees and cultivating the land as a market garden. Since then he has worked hard to tidy the appeal site in his spare time. He has cleared some of the trees and cultivated a small part of the plot. I accept that it would be convenient for him to live there in order to protect valuable machinery, equipment and crops from theft and vandalism and to spend more time on his project.

5. However, your client is not employed full-time in agriculture, his main employment being elsewhere. The agricultural enterprise at the appeal site is not viable in the sense of providing a person with an income at least equal to a minimum agricultural wage. I am convinced that there are other ways to stop theft and vandalism at the appeal site and if necessary valuable equipment and machinery could be stored elsewhere, particularly when account is taken of the fact that your client lives nearby.

6. I conclude therefore that these are insufficient very special circumstances to set aside the usual strong general presumption against residential development in this rural area which is part of an approved green belt and that your client's project is unacceptable.

7. Having taken full account of all the other matters raised in the written representations of this case, I am of the opinion that they do not outweigh the considerations that led me to my decision. Accordingly, for the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your client's appeal.

I am Gentlemen
Your obedient Servant



R HODGE FRTPI DipTP(Notts)
Inspector