



## Department of the Environment

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28 MAR 1979

Messrs Pickworth and Company  
 Solicitors  
 37 Marlowes  
 HEMEL HEMPSTEAD  
 Hertfordshire  
 HP1 1LQ

Your reference  
 DSF/MHB/S

Our reference  
 T/APP/5252/A/78/08465/G8

Date  
 26 MAR 1979

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY MR J STEVENS (CORRECT NAME MR GEOFFREY STEPHENS)  
 APPLICATION NO: 4/0886/78

10320

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 planning permission for the formation of a self contained flat for domestic quarters, a pump house, shower room and covered patio on land at Wood End, Frithsden Copse, Berkhamstead, Hertfordshire. I have considered the written representations made by you and by the district and parish councils and also those made by other interested persons. I inspected the site on 22 February 1979.

2. From my inspection of the site and its surroundings and from the written representations made, I feel that the main consideration in this case is 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 a proposed green belt.

3. The roughly rectangular appeal site is at one end of Frithsden Copse, a road flanked on each side by dwellings standing in sizeable mature well kept landscaped grounds. The dwellings are in a remote rural area where a tranquil atmosphere prevails over the surrounding gently undulating attractive open countryside which contains woodland and a few isolated scattered dwellings, farmsteads and other mostly agricultural buildings.

4. In this area, both national and local planning policies aim to restrict residential development in order to protect and preserve the countryside for the benefit and enjoyment of all.

5. I accept that your client's home is fully used, that it would be difficult to extend it in some other way and that the proposal would not harm its external appearance and character.

6. I note that the council has declined your client's offer to enter into a section 52 agreement to prevent the use of the proposal as a separate dwelling. It seems to me that this could happen in the absence of a suitable arrangement to prevent it and in that event I hold that there would be no very special circumstances sufficient to set aside the usual strong general presumption against residential development in a rural area which is a proposed green belt.

7. I appreciate that the periodic long absences of your client, particularly when he is accompanied by his wife, justifies the need for domestic staff to tend to the

needs of his children and the security of the premises, but I consider that the protection of the proposed green belt is the overriding factor in this case.

8. I have considered whether the land has been appropriately included in a proposed green belt, but I find no reason to question its inclusion for the time being, pending a decision on the green belt proposals as a whole.

9. Having taken full account of all the other matters raised in the written representations, I am of the opinion that they are of insufficient strength to outweigh the considerations which 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.*

R HODGE, MRTPI DipTP(Notts)  
Inspector

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

Other

Ref. No. ....

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

IN THE COUNTY OF HERTFORD .....

.....

To J. Stevens, Esq.,  
Wood End,  
Frithsden Copse,  
POTTEN END,  
Berkhamsted,  
Herts.

Messrs. Trevor J. Westbrook & Associates,  
73 Culverhouse Road,  
Biscot,  
LUTON,  
Beds.

Extensions and Alterations to form new flat, pump  
house, shower room and patio,  
at ... Wood End, Frithsden Copse, Potten End.

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 ..... **6th July, 1978,** ..... and received with sufficient particulars on ..... **10th July, 1978,** ..... 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 within the Chilterns Area of Outstanding Natural Beauty on the County Development Plan and in an area so referred to in the submitted County Structure Plan Written Statement within which there is a presumption against further development unless it is essential for agricultural or other special local needs - insufficient justification has been proven to warrant departure from this principle.

Dated ..... **24th** ..... day of ..... **August,** ..... 19 **78**..

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.