

Department of the Environment and Department of Transport

Common Services

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Messrs Fuller Hall & Foulsham

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T/APP/A1910/A/83/9251/ P2

<u>18 MAY 1984</u>

1 7 MAY 1984

Gentlemen

53 Marlowes

HP1 1LL

HEMEL HEMPSTEAD

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9 APPEAL BY DR ZUNIA HURST APPLICATION NO:- 4/0906/83

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. The appeal is against the decision of the Dacorum District Council to refuse outline planning permission for the erection of a house on land between Ten Oaks and Dormers, Flaunders Lane, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by Bovingdon Parish Council and interested persons. I inspected the site on 3 April 1984.
- In the vicinity of the appeal site, which lies just to the north-east of the crossing of Chipperfield Road and Flaunders Lane, there are scattered residential developments in what is otherwise open country. The appeal site, of about 3 acre, is square and has a hedge boundary to the north-western side of the narrow carriageway, Flaunders Lane. South-west of the appeal site is Ten Oaks Farm and beyond that the various developments, mostly hidden from view from the road, at Copse Hill House. To the north-east the appeal site is separated from Rothlea Lodge by a further square of grassland and further north-east there is a large house set in a very extensive garden. North-west of these properties on Flaunders Lane there is open farmland and to the south-east there are panoramic views over open farmland.
- From my inspection of the site and surroundings and the representations made it appears to me that the main issue in determining this appeal is whether there is an overriding need which would justify the development proposed situated as it is within the Metropolitan Green Belt.
- In your submsissions you recognise that the appeal site lies in the Green Belt but argue that "this part of the countryside ... has been cut up by Government projects so badly that to say one house on this plot constitutes a threat to the Green Belt is preposterous". On the other hand you also argue that "there is a great area of agriculture between it (the appeal site) and Hemel Hempstead over which there is little or no encroachment" and "if we look in the other direction ... there is segregation and obviously no linking between this area and its urbanised villages or towns". You pray in aid Circulars 9/80 and 22/80 and claim that the proposed development would constitute "an infilling site between residences".

- Metropolitan Green Belt. The District Plan defines "specified settlements" which are excluded from the Green Belt. Since the appeal site is not in a "specified settlement" it must fall within the Green Belt and so be subject to Green Belt policies. From my inspection I am of opinion that the appeal site lies in what is essentially a rural area. The proposed development cannot be classed as "infilling" normally taken to mean the development of a single plot in an otherwise substantially developed frontage since it patently is not. Under all the cirucmstances the proposed development would appear as an intrusive element in an essentially rural area, unrelated to agriculture, forestry or any other permitted and overriding need which would justify the development proposed within the Metropolitan Green Belt.
- 6. I have taken into account the Circulars you mention and all other matters raised in the written submissions but am of opinion that they are outweighed by the considerations that have led to my decision.
- 7. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen Your obedient Servant

P T RAKE MBE CEng MIMunE Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

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Ref. No 4/0906/83 · · · ·	Ref. No

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Dr.Zunia Hurst, 22 Melfort Drive, Leighton Buzzard, Beds. Messrs.Fuller Hall & Foulsham, 53 Marlowes, Hemel Hempstead, Herts.

······One dwelling (Outline)	i
	Brief
at Land adjacent Ten Oaks Farm, Flaunden Lane, Bovingdon.	description
Flaunden Lane, Bovingdon.	of proposed
	uevelopment.

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

(1) The site is within an area without notation on the approved County Development Plan and in an area referred to as being within the extension of the Metropolitan Green Belt in the Approved County Structure Plan (1979) and thedeposited Dacorum District Plan, wherein permission will only be given for the 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 terms of this policy.

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Chief Planning Officer

- (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.
- If the applicant is aggrieved by the decision of the local planning (2) 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, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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 te 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.