

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF **DACORUM**

IN THE COUNTY OF HERTFORD

To Donald Moody Ltd.,
Wash Road,
Button,
Brentwood,
Essex.

Residential development

at Bovington Grange Farm, Bovington. (Parcels 322, 322a, 327a.
on O.S. Sheet XXX111.14. (Herts) 1924 Edition)

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 **8th October, 1975** and received with sufficient particulars on **10th October, 1975** 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 an area shown as 'No notation' on the County Development Plan and the policy statement "Hertfordshire 1981" wherein 'green belt' policies apply i.e. not to permit development except for agricultural or other green belt purpose or unless there is some other quite outstanding reason to grant permission to meet the needs of the rural community. No such justification has been made.
2. The proposed development would extend the residential area of the village into an area of open countryside contrary to green belt policies and would seriously detract from the visual qualities of the existing rural scene.
3. In the opinion of the Local Planning Authority, the proposed development by reason of its size would affect adversely the character of the village and place an undue strain upon existing facilities.

Dated **17th** day of **December** 19. **75**

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.

Department of the Environment
Charles House
375 Kensington High Street
LONDON W14 8QP

See *HB*

TOWN AND COUNTRY PLANNING ACT 1971

The attached copy of a decision letter on an appeal
is forwarded for your information.

Messrs Iliffe and Edwards
Solicitors
23 High Street
INGATESTONE
Essex
CM4 9DU

DACORUM DISTRICT
H/B 24 JAN 1977

Our reference APP/5252/A/76/640 &
641
Date 21 JAN 1977

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36.
APPEALS BY DONALD MOODY LIMITED
APPLICATION NOS. 1558/75D & 1559/75D

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mr C C Eyres, FRTP1, who held a local inquiry into your clients' appeals against the decisions of the Dacorum District Council, to refuse planning permission (i) for residential development on some 8.1 hectares of land comprising O.S. parcel 322, at Bovington Grange Farm, Bovington and (ii) for residential development on some 10.83 hectares of land comprising O.S. parcels 321 and 322 at Bovington Grange Farm, Bovington. A copy of the report is enclosed.

2. The Inspector said in his conclusions:-

"I consider that the arguments in support of the proposed development of the appeal sites do not override the planning objections to development. In my view the appeal sites make a valuable contribution to the rural setting at quite a prominent approach to the village, and I do not accept that the perimeter roads around the appeal sites are the natural boundaries to which development ought to be allowed to extend. There is an avenue of trees which I consider separates much of the appeal sites from the Grange Farm estate and gives a firm and natural limit to the housing development: and I do not think that development of either of the appeal sites would be a logical extension of this housing estate. The suggested tree planting would do little, certainly for many years, to soften the impact of building on these prominent sites."

In this instance I consider that the council's application of green belt policy is supported by the fact that development on the appeal sites would be an intrusion which would destroy the open rural character of the sites in an area where such character plays a positive role; and important though it may be in the present economic climate to encourage house building, the loss to the area of these open sites would not be compensated by the gain to the housing stock.

Expansion at Bovingdon is no new thing, and I feel that the village has learnt to cope with the problems that arise. The primary school with the aid of temporary classrooms may manage to accommodate the influx of children which are expected from development under construction, or from development for which permission has been or would be given. The proposed development of the appeal sites would mean that a new school would have to be built, and the appellants are prepared to make a site available. Apart from the need for a new school, which may not arise simply as a result of the development of the appeal sites, the strain on the village by the erection of 250 or so houses may not be of unacceptable proportions. The housing associated with the prison development has previously been a factor when considering the development at Bovingdon over the next few years, however this proposal has been put back to 1984, by which time development if it were to be allowed to take place at the appeal sites and that already committed could be expected to have been completed."

The Inspector recommended that both appeals be dismissed.

3. The Secretary of State agrees with the Inspector's conclusions and accepts his recommendation. Therefore he hereby dismisses your clients' appeals.

I am Gentlemen
Your obedient Servant

A R FULLER
Authorised by the Secretary of State
to sign in that behalf