

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



## DACORUM BOROUGH COUNCIL

To Mr and Mrs C Levett  
Marston Gate  
Long Marston  
Herts

R A Bellingham  
117 Aston Clinton Road  
Aylesbury  
Bucks  
HP22 5AB

.....DETACHED DWELLING (OUTLINE) .....

.....

at .. MARSTON GATE, LONG MARSTON, TRING .....

.....

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  
.....25. June 1990..... and received with sufficient particulars on  
.....26. June 1990..... 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 rural area beyond the Green Belt on the Dacorum District Plan. Within this area permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agriculture 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.
- (2) The proposed house is sited in flat, open countryside and would be unduly intrusive, detracting from the rural appearance of the area.

Dated .....6..... day of September ..... 19 90

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

## NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of the date of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.



Planning Inspectorate  
Department of the Environment

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D/224/JM/P

1/10/91  
2/10/91

Mr and Mrs C Levitt  
Marstongate  
Station Road  
Long Marston  
TRING  
Herts HP23 4QZ

Your reference			
Our reference			
T/APP/A1910/A/91/176475/P5			
Date	30 APR 91	File	
- 1 MAY 1991			
Comments			

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPLICATION NO: 4/0913/90

1. I have been appointed by the Secretary of State for the Environment to determine your appeal which is against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of a dwelling on land at Marstongate, Station Road, Long Marston. I have considered the written representations made by you and by the Council and I inspected the site on 16 April 1991.
2. From what I saw of the site and its surroundings and read in the representations, in my opinion the main issue in this case is whether the proposed dwelling would have an adverse effect on the character and appearance of the surrounding area.
3. The appeal site is a rectangular part of the garden of your house. To the south-east of it is a pair of semi-detached cottages. To the north-west beyond Marstongate is another house with Station House on the opposite side of the road. The houses are about 1 km north-west of the main part of the village and surrounded by flat countryside.
4. It appears that all matters of detail are reserved for decision at a later stage, but the dwelling could be sited in line with your house and the 2 cottages. However, even if it were sympathetically designed it would in my view consolidate this small group of buildings by filling in a gap, and I am satisfied that the intensification of this isolated pocket of development would be to the detriment of the open rural character of the surrounding area.
5. I accept that the new dwelling would be screened to some extent by the existing trees and hedges on and near the appeal site, and that there is room for more planting if necessary. However I do not find this a compelling argument for allowing your appeal because it could be repeated frequently to justify development which cumulatively would have a profound effect on the character and appearance of the countryside.
6. In line with government advice policies in the revised Hertfordshire Structure Plan (1988) and the adopted Dacorum District Plan (1984) restrict new development in rural areas outside villages in order to preserve the open countryside and protect the landscape. There are exceptions to these policies for certain types of development but they do not apply in this case. The group of houses is clearly not part of the main village and I see no reason to make an exception to the current planning policy for the area.



7. I have considered all the other matters raised. You drew my attention to several planning permissions which have been granted in the area. It appears that these were either houses for agricultural workers, which are one of the exceptions mentioned above, or extensions of existing living accommodation. Each case should be dealt with on its own merits and I do not think that these or any other matters are of sufficient weight to justify overriding my conclusion on the main issue.

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

I am Sir and Madam  
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'C R Wareham', with a horizontal line drawn underneath the name.

C R WAREHAM MRTPI  
Inspector