

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF **DACORUM**

IN THE COUNTY OF HERTFORD

.....

To Mr. P. Cooper,
Holly Bush,
Flaunden Lane,
BOVINGDON,
Herts.

Mr. T. Howard,
'Homelands',
Millfields,
CHESHAM,
Bucks.

..... Detached Bungalow

.....

xx adj. to 'Holly Bush', Flaunden Lane, Bovington.

.....

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 **15th July, 1978,** and received with sufficient particulars on **18th 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 Metropolitan Green Belt on the County Development Plan and so referred to in the County Structure Plan Written Statement where there is a presumption against further development unless it is essential in connection with agriculture or other special local needs - no 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.



Department of the Environment

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EXC. FIVE

- 8 MAR 1979

Mr T Howard
Homelands
Millfields
CHESHAM
Buckinghamshire

Your reference

Our reference

T/APP/5252/A/78/9438/G2

Date

- 7 MAR 79

Sir

010225

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR P COOPER
APPLICATION NO. 4/0925/78

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council, to refuse planning permission for the erection of a detached bungalow, adjoining Holly Bush, Flaunden Lane, Bovington. I have considered the written representations made by you and by the council and also those made by Bovington Parish Council and an interested person. I inspected the site on 29 January 1979.
2. The appeal site is part of the garden of Holly Bush, which is one of a small group of dwellings situated about $\frac{1}{2}$ mile north of the village of Flaunden. The surrounding countryside is undulating and has a very attractive character.
3. The site is within the approved Metropolitan Green Belt wherein there is a strong presumption against new development, unless there is essential agricultural or other special local needs. I have decided that the issue I must determine in this case is whether there is any overriding justification for the proposal in the face of this planning policy.
4. The main argument you have put forward relates to the personal circumstances of Mr and Miss Cooper and yourself. I appreciate the advantages which would accrue to the 2 households and I am sympathetic to these circumstances. However, I am must bear in mind that the proposed bungalow would remain in the landscape long after these personal matters had ceased to be material. After careful thought, I have concluded that the requirements for the proper planning of the area must prevail.
5. Although they have not argued that the proposal is justified on the basis of infilling within an established group, the local planning authority has dealt with this issue in their representations and I have considered it. I note that the submitted Structure Plan lists villages where infilling is acceptable and that the site is not within one of these. In my view it would be wrong to add to the present isolated development, as this would lead to a further erosion of the rural character of the area.

TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
- 8 MAR 1979	
FILE No.	DATE

6. I have taken account of all other matters raised, but these do not outweigh the considerations which have led to my decision. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir

Your obedient Servant

T. J. Kemmann Lane

T J KEMMANN-LANE DipTP FRTPI AMBIM
Inspector