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CHIEF EXECUTIVE

OFFICER

- 4 FEB 1981

File Ref.

Refer to

Cleared

Your reference

Our reference

T/APP/5252/A/80/11556/G10

Date

3 FEB 1981

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY MR L COWNDEN

APPLICATION NO:- 4/0968/80

2488

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for the erection of a detached house and garage on land at Holly Bush Lane, Flamstead. I have considered the written representations made by you and by the Council and by another person. I inspected the site on 8 January 1981.
2. From my inspection of the site and the nearby village of Flamstead and its surroundings and from my examination of the written representations made I consider that the crux of the problem, whether your client should be allowed outline planning permission or not, to build on the appeal site, is whether the improved convenience to your client and the welfare and security of his horses should outweigh planning considerations so that an exception to them could be made in his favour.
3. As described in the Council's statement the main planning factor affecting the site is that contained in Policy Number 2 of the approved County Structure Plan, which relates to rural areas outside the Metropolitan Green Belt. This policy restricts development to that which is essential in connection with agriculture or clearly needed for use appropriate to the rural area concerned. Policy also allows small scale residential infilling in Flamstead, but not by the widest stretch of the imagination could your client's site fall into the category of infilling, nor indeed have you claimed that it is, though you have described it as being on the outskirts of the village.
4. As the Council have pointed out, keeping horses for leisure purposes does not constitute an agricultural pursuit and though riding is an appropriate pastime in the country, I do not consider that the provision of a riding stables would be of any significant benefit to the immediate community. In any case development in connection with such pursuits should not be at the expense of the enjoyment of the countryside by the general public.
5. The appeal site is an important one as far as countryside considerations are concerned. It is prominently situated and, though outside the Metropolitan Green Belt, provides an attractive rural feature. The site is beyond the periphery of Flamstead Village, and visually separate from it, in my opinion it should be treated as an isolated rural site. If developed by your client, it would form an extremely deleterious urban encroachment into the countryside at a sensitive point due to the proximity of Watling Street which runs nearby. I consider that you have not put forward a case of sufficient strength to overcome the planning objections to development and to warrant an exception being made for your client.

6. In coming to my conclusion I have taken into account all other matters raised in the written representations but I do not regard these as sufficient to outweigh the principal 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

M. C. Eveleigh.

M C EVELEIGH
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM
 IN THE COUNTY OF HERTFORD

To L. Cowden, Esq.,
 58 Crosslands,
 CADDINGTON,
 Beds. K. Lugsden, Esq.,
 59 Himley Green,
 LEIGHTON BUZZARD,
 Beds.

House and Garage
at Hollybush Lane, Flamstead.

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 16th June, 1980 and received with sufficient particulars on 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 an area without notation on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979), wherein permission will only be given for the construction of new buildings (or the change of use or extension of existing buildings) for agricultural purposes, small scale facilities for participatory sport and recreation, or other uses appropriate to a rural area. The proposed development is unacceptable in the terms of this policy.

Dated 31st day of July, 19 80.

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.