

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. E. J. J. Gregory,
Butcher & Farmer,
Cheddington Road,
Long Marston,
Nr. Tring.

Agents: Payne, Cullen Partnership,
73b High Street,
Tring,
Herts.

Erection of dwelling

at part of field No. 209 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 **10th October, 1974** and received with sufficient particulars on **11th October, 1974** 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 shown on the County Development Plan as 'no notation' where Green Belt policies apply i.e. not to allow development unless it is required for agricultural or other special purposes - no justification has been submitted in this case.

Dated 10th day of April 1975

Signed.....

Director of Technical
Designation 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

Becket House Lambeth Palace Road London SE1 7ER

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Messrs Payne Cullen Partnership
73B High Street
TRING
Herts
HP23 4AB

Your reference TBJR/EDA/2525/16

AJP/CJC

Our reference

T/APF/5252/A/75/5717/G7

Date

1257/74D

30 DEC 75

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY E J J GREGORY ESQ
APPLICATION NO. 4/0973/74

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 dwelling on land forming part of OS Parcel No. 209 at Cheddington Lane, Long Marston, Hertfordshire.
2. I have considered the written representations made by you, the council and other interested persons, and I inspected the site on Wednesday 29 October 1975. As a result I have come to the conclusion that the determining issue in this case is whether or not your client's personal circumstances are sufficiently exceptional as to justify the erection of a dwelling outside the limits of the existing villages settlement of Long Marston, on land which is subject to Green Belt policies.
3. I note that your client would be prepared to enter into an agreement under Section 52 of the Town and Country Planning Act 1971 limiting occupation of the proposed dwelling to an agricultural worker. However, the original application made no reference to agricultural need for the dwelling, and the grounds of appeal state that your client needs to remain within easy walking distance of the butcher's shop in the village so that he might give day-to-day assistance. Moreover, no evidence has been adduced in order to establish that your client's agricultural activities are or would be so extensive as to justify the provision of a dwelling for a full-time agricultural worker. I am therefore not satisfied that there is an established requirement for the dwelling for agricultural purposes.
4. I have considered very sympathetically the personal circumstances of your client and his wife, which have been stressed in representations from other villagers including a petition containing nearly 100 signatures. Although such personal circumstances could, in cases which are finely balanced on planning grounds, tip the scales in the appellants' favour, in my opinion the planning objections to your client's proposal are so strong that they must prevail over considerations of his personal circumstances. The existing village consists principally of a ribbon of development on either side of Tring Road, with a shorter ribbon on the north-western side of Cheddington Lane. In my opinion, your client's proposal if allowed would not only result in an isolated house in the predominantly rural countryside around Long Marston, but it would also lead to pressure to develop the land that intervenes between the site and the village, and would be an undesirable first step towards establishing yet another ribbon of development along the south-eastern side of Cheddington Lane.

5. I have also considered the fact that planning permission has been deemed, but not yet implemented, for the development of a nearby site by stationing 6 caravans for use as a gypsy encampment. However, I am satisfied that there are unusual difficulties which are peculiar to such proposals, and that the presence of the caravan site would not justify additional development in its vicinity which would conduce to a coalescence between the caravan site and the main village settlement.

6. I have also considered all the other matters raised in the written representations but do not find them to be of sufficient weight to effect the considerations that have led me to these conclusions.

7. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal. M

I am Gentlemen
Your obedient Servant



P. J. Roberts

P J ROBERTS
Inspector