

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

THE DISTRICT COUNCIL OF DACORUM  
IN THE COUNTY OF HERTFORD

To Bovington Construction Ltd  
16 High Street  
Bovingdon  
Herts.

Two detached dwellings
.....
at 'The Hive' Featherbed Lane
Hemel Hempstead

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 18 July 1984 ..... and received with sufficient particulars on 18 July 1984 ..... 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 approved County Structure Plan and the adopted Dacorum District Plan wherein permission will only be given for the use of land, construction of new buildings, changes of use or extension of existing buildings for agricultural 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 terms of this policy.

Dated 6th ..... day of September ..... 19 84...

Signed ..... *W. B. Marshall* .....

Chief Planning Officer

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, 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.
- (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 and Department of Transport



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Your reference

DSF/MLC/BC DEPARTMENT  
Our reference DISTRICT COUNCIL

Ref. T/APP/A1910/A/85/028475/P5

Date

C.P.O.	19 AUG 85	Acc.	Admin.	File
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Received

20 AUG 1985

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY BOVINGDON CONSTRUCTION LIMITED  
APPLICATION NO: 4/0978/84

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of two 5-bedroomed houses on land adjoining The Hive, Featherbed Lane, Felden. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site and its surroundings on 1 July 1985.
2. The appeal site is located on the north-west side of Featherbed Lane, within the Metropolitan Green Belt. The site forms part of the grounds of The Hive, a large dwelling in extensive grounds with vehicular access to Featherbed Lane and a long pedestrian access to Sheethanger Lane to the north-west. The site, which is part hard-surfaced tennis court and part lawn, is surrounded by dense mature vegetation. To the north and east are other parts of the grounds of The Hive. To the west is pasture land. On the opposite side of Featherbed Lane is a short length of frontage development and Highcroft Road, a lane with low density residential ribbon development to either side.
3. The boundaries of this part of the Metropolitan Green Belt are defined in the Dacorum District Plan, which was adopted in January 1984. The approved and adopted Green Belt Policies for the area provide that, within the defined Metropolitan Green Belt, planning permission will not be granted except in very special circumstances unless certain criteria apply. You do not suggest that your client's proposals would fulfil any of these criteria. Therefore, from my inspection and from my consideration of all the representations, I consider the main issue to be whether there are any special circumstances sufficient to justify overriding the strong presumption against development in the Green Belt.
4. You point to other planning applications in the vicinity of the appeal site: a bungalow adjacent to No 8 Highcroft Road could be considered as infilling and was granted permission, but in the cases of land at Nos 14 and 20 Highcroft Road, there were reasons additional to Green Belt reasons for refusing consent. You therefore suggest that Green Belt reasons alone are insufficient to justify refusal.
5. The Government attaches great importance to Green Belts, which have a broad and positive role in checking the unrestricted sprawl of built-up areas and safeguarding the countryside from encroachment. The essential characteristic of Green Belts is their permanence and their protection must be maintained as far as can be seen ahead. Having regard to the advice contained in the Department of the

Environment's Circulars 14/84, 15/84 and 14/85 I consider the protection of the Green Belt from unjustified development to be of paramount importance.

6. The Green Belt boundary surrounding Felden is only about 100 m away from the site, to the rear of the boundary of The Hive. You say that this is illogical. However, the defined Green Belt boundary follows in general the rear boundaries of residential property fronting Sheethanger Lane as far as Felden Lane, and was established in accordance with the statutory planning procedures. The last sentence of paragraph 4 of the Department of the Environment's Development Control Policy Note No 4, Development in Rural Areas, points to the need to take special care to prevent breaches of the inner edge of the Green Belt. In my view, the proposed development would undesirably enlarge and consolidate the area of residential development around Featherbed Lane and Highcroft Road, within the Green Belt, and would lead to an incremental reduction in the integrity of the recently established Green Belt boundary.

7. You draw my attention to new residential development which the Council has permitted to the rear of houses fronting Sheethanger Lane. However, these are outside the Green Belt boundary, and within the residential area of Felden. Bearing in mind the need to make full and effective use of land within existing residential areas, and that Green Belt Policies do not apply to the residential area outside the Green Belts, I do not find such new development of persuasive value in your clients' case.

8. I have taken into account all other matters raised in the representations, including the local demand for large houses and the possible impact of your client's proposals on highway safety. However, in my judgement, all these other matters are outweighed by the strong objection to development in the Green Belt which has led to my conclusion.

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

I am Gentlemen  
Your obedient Servant

*G. J. Bowman.*

MRS G J BOWMAN, MA(Cantab) Barrister  
Inspector