

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

## DACORUM BOROUGH COUNCIL

To  
 Mr H W Congdon  
 11 Nunfield  
 Chipperfield  
 Herts

.....Erection of bungalow.....
.....
at.....Adjacent Basrah (Plot 51).....
.....Scatterdells Lane, CHIPPERFIELD.....


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 ..... 29th July 1985 ..... and received with sufficient particulars on ..... 1st August 1985 ..... 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 adopted Dacorum District Plan wherein permission will only be given for the use of land, the construction of new buildings, changes of use or extension 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 development is unacceptable in the terms of this policy.

Dated ..... 26th ..... day of ..... September ..... 19 85 .....

Signed.....  .....

Chief Planning Officer

#### 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 receipt 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.



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CHIEF EXECUTIVE  
OFFICER

7 JUL 1986

FILE

CPO 17/7

Mr H W Congdon  
11 Nunfield  
CHIPPERFIELD  
Herts  
WD4 9EW

*Handwritten:*  
JMB  
JCB  
3) J. D. DAVIE  
J. P. DAVIE

Your reference DACORUM DISTRICT COUNCIL			
Ref. Our reference		Ack.	
C.P.O.	T/APP/A1910/A/86/45397/P2	Admin.	File
Date	3 JUL 86		
Received 3 JUL 1986			
Comments			

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO:- 4/0986/85

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of a bungalow on land adjacent to "Basrah", Scatterdells Lane, Chipperfield. I have considered the written representations made by you and by the Council and also those made by the Chipperfield Parish Council and other interested persons. I inspected the site on 10 June 1986.

2. From my inspection of the site and its surroundings and the representations made I consider that a decision on this case turns on whether or not the reasons you put forward are sufficient to justify an exception being made to the general policy presumption against additional development in the Metropolitan Green Belt. The restrictive policies for the Green Belt and rural area, within which the appeal site lies, are stated in the approved County Structure Plan and set out in detail in the Dacorum District Plan approved in 1984.

3. You submitted that the appeal site and adjoining land in your ownership are the only 2 vacant plots in Scatterdells Lane apart from the fields at the south-west end on either side of the entrance to the lane. You considered the planning authority's refusal of permission to be unreasonable as the proposed development was infilling and the official numbering of the plots seemed to indicate that the council intended to permit development at some stage. You also claimed that in allowing 2 plots opposite your land, one of which was previously unused, to be developed the Council appeared to be inconsistent in the application of their policies for the green belt. The proposal was supported by the Parish Council and many local residents and should be allowed so as to enable you and your wife to continue to live in retirement in the village and to put to use the adjoining land which would otherwise revert to its previously unkempt state as you cannot continue to manage it unless you live on the site.

4. I understand and sympathise with your reasons for wishing to build a retirement bungalow on this site but I do not accept that such development could be permitted consistently with the approved policies applicable to the area. The established green belt policy precludes the construction of new buildings unless they are required for agriculture or other essential purposes appropriate to a rural area or small scale facilities for sport or recreation. I do not consider that you wish to build here so as to facilitate the cultivation of the adjoining land you own is sufficient reason for overriding the green belt restrictions. I note that no agricultural or similar specific justification has been put forward in this instance

although I am aware that when a previous appeal on the basis of "agricultural need" was made some 3 years ago it was not accepted that a dwelling was essential for the successful conduct of viable farming operations.

5. With regard to your claim that the proposal represents allowable "infilling" the Council have pointed out that although Chipperfield is one of the smaller villages within which limited "infilling" development may be permitted, the relevant policies of the District Plan restrict this to appropriate sites within the main core of the village and development that is required for essential uses appropriate to the rural area. As your site is clearly outside the approved village core, I cannot accept that it is justifiable infilling as provided for in the District Plan.

6. I appreciate that a certain amount of development has taken place in the locality in recent times and I noted at my inspection the building in progress on the opposite side of the road from your holding. As the Council have pointed out, however, most of the residential development along the lane was built prior to the operation of the green belt policy and recent development has been permitted on a "replacement" basis as provided for in Policy 6 of the District. I see no reason on the information provided to doubt that the Council in allowing the development opposite your plot and elsewhere in the area have consistently applied this provision but since there is no existing dwelling on the appeal site it cannot apply to your own proposal.

7. I have taken into account all other matters referred to in the written representations but they do not outweigh the considerations which have led to my conclusion that the very special circumstances that need to be adduced to warrant a departure from the established green belt policy are not present in this case.

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

I am Sir  
Your obedient Servant



E S FOSTER  
Inspector