



**Department of the Environment and  
Department of Transport**

Common Services

Room 1408 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 933

Switchboard 0272-218811

GTN 2074

**CHIEF EXECUTIVE  
OFFICER**

A E King Esq BA(Hons) B Pl MRTPI  
'Fairways'  
Lockers Park Lane  
HEMEL HEMPSTEAD  
Herts  
HP1 1TH

PLANNING ACT 1971		4/1014/83
Your reference		9372
Ref.	Our reference	
C.P.O.	T/APP/A1910/A/84/11445/53	File
Date	17/5	
20/10/84		
TW		
C.M.		

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY C AUSTIN ESQ  
APPLICATION NO:- 4/1014/83

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for the erection of 8 studio apartments at Roselea, Water Lane, Kings Langley. I have considered the written representations made by you, by the Council, by the Three Rivers District Council and also those made by interested persons. I inspected the site on 11 April 1984.
2. From my inspection of the site and surroundings and the representations made, it appears to me that the principal factors to be taken into account in determining this appeal are first, whether having regard to the location of the site in the Metropolitan Green Belt, there are special circumstances which would overcome the general presumption against development here; secondly whether an adequate access to the site can be made which would not give rise to serious road hazards; and thirdly, whether your client's proposals would constitute over-development of the site.
3. The appeal site lies at a point where the Metropolitan Green Belt extends along the line of the Grand Union Canal to Water Lane. The site itself, which lies alongside the towpath, has on it a house, Roselea, which is in a poor state of repair, and comprises also the garden which is in a derelict state. To the south, there is a strip of woodland which your client has offered to the Council. To the west beyond an overflow drainage channel, is a small estate of houses which have been built in recent years. On the opposite bank of the canal is a factory. The site fronts on to Water Lane which, just to the east, crosses the canal and because of the arch of the bridge and a curve in the road, visibility to the east is very limited. Your client proposes to erect a building with 8 studio apartments with vehicular access and 13 parking spaces as well as a small drying area and amenity space.
4. The houses to the west of the appeal site were allowed on appeal in 1974, and you record the Inspector as saying that that appeal site represented a narrow open wedge of land extending into the built-up part of the village. The site lacked any visual qualities and was seen within an enclosed setting formed by existing development and dominated by large scale factory and warehouse buildings. In his view the site performed no positive green belt function and he saw no planning advantage in maintaining separation between the eastern and western parts of the village beyond that created by the canal and river and intervening woodland. The

Dacorum District Plan was amended to exclude that site from the Green Belt but the adjoining site which is the subject of this appeal remains within it. The Council recognises the value of the woodland to the south which has been offered to it but does not regard this as outweighing the breach of Green Belt policy which would be entailed if the appeal site were developed as proposed. It has adopted a policy statement recognising the importance of the canal and encouraging improvement of the poor parts as well as the consideration and enhancement of the better areas. It claims that the erection of large buildings is not necessarily the only answer to problems of neglect.

\* 5. I recognise that your client's proposals would tidy up what is at present a neglected area and despite the bulk of the building proposed, with appropriate landscaping, it could be attractive. This is, however, land where Green Belt policies apply and I cannot find that the advantages offered by your client's proposal are sufficiently strong to overcome the policy objections to development here in the absence of any special need. But even if the advantages offered by your client's proposals were regarded as outweighing the green belt policy objections to development here, there are also very strong objections to them on highway grounds. Eight apartments here would give rise to a lot of traffic in and out of the site. Even for traffic turning left from the site, there would be considerable hazard from traffic coming over the bridge and any attempt to turn right from the site or to turn into it from the left would, in my view, be dangerous. This factor therefore confirms me in my view that your client's appeal cannot be allowed. \*

6. I have considered all the other matters raised in the written representations but find nothing of sufficient weight to affect my decision.

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

I am Sir  
Your obedient Servant

*W. C. Knox*

W C KNOX BA  
Inspector

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

## THE DISTRICT COUNCIL OF DACORUM

## IN THE COUNTY OF HERTFORD

To Mr. C. Austin  
Roselea  
Water Lane  
Kings Langley

Mr. A.E. King  
Fairways  
Lockers Park Lane  
Hemel Hempstead

.....Eight flats (Outline).....  
.....  
at ... Roselea, Water Lane, Kings Langley.....  
.....

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 ... 25th. July. 1983 ..... and received with sufficient particulars on ... 29th July 1983 ..... and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:-

- (1) The site is within an area within the Metropolitan Green Belt on the County Development Plan and in an area referred to in the County Structure Plan (1979) and the deposited Dacorum District Plan (1981) wherein permission will only be given for use of land, the 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 the terms of this policy.
- (2) The proposed development is excessive on a site which is inadequate to accommodate satisfactorily the proposal, together with the necessary amenities and an acceptable form of access.

.../continued

Dated ..... 22nd ..... day of ..... September ..... 1983 .....

Signed.....

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.

4/1014/83

Reasons (cont'd)

- (3) Access to the proposed development including visibility sight lines is considered to be sub-standard. The proposed development would consolidate and intensify traffic turning movements close to the brow of a bridge to the detriment and safety of the free flow of vehicular traffic and pedestrians on the highway.

Dated .....22nd..... day of .....September.....1983

Signed: .....

Designation : CHIEF PLANNING OFFICER.....