

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr R C Iisley
'Oatfields'
Dodds Lane
Piccotts End
Hemel Hempstead

C M L Associates
37 Storey Street
Hemel Hempstead

Car port for four cars

at 'Oatfields', Dodds Lane, Piccotts End,
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 12 July 1990 and received with sufficient particulars on 13 July 1990 and shown on the plan(s) accompanying such application.

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

The proposed car port due to its mass and size, and in such a prominent location adjacent to the highway, would be detrimental to the rural character and appearance of the locality.

Dated 27th day of September 19 90 ..

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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 the date 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.



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

GTN 1374

PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

Mr NA Johnson
37 Storey Street
HEMEL HEMPSTEAD
Herts
HP3 9SG

Ack.				File		
Ist.	C.P.C.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.
7 JUN 1991						
Received						
Comments						

Your Reference

Our Reference

T/A/P/A1910/A/91/179527/P7

Date

-6 JUN 91

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR RC ILSLEY
APPLICATION NO: 4/1014/90

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a carport at "Oatfields", Dodds Lane, Piccotts End, Hemel Hempstead. I have considered the written representations made by you and by the Council, and also those made by the Great Gaddesden Parish Council at the application stage. I made an unaccompanied inspection of the site on 29 May 1991.

2. Although your client's application was for a carport only, you have requested my informal views on a further proposal to construct a brick and flint wall alongside Dodds Lane. However, this matter is not before me and I am therefore unable to comment upon its merits. Any such proposal for a wall (requiring planning permission) would fall, in the first instance, to be determined by the Council.

3. "Oatfields" and "Oatfields Cottage" are detached 2-storey houses, and are both set in substantial grounds. Together with their outbuildings and a private tennis court, they form a small and isolated pocket of built development on the south east side of Dodds Lane. The pair of houses lie in the countryside close to Hemel Hempstead, in an attractive and open farmed landscape which falls within the Metropolitan Green Belt. Apart from the narrow rural lane, public footpaths 54 and 55 both cross the nearby fields, and provide clear views of the building group as a whole.

4. Your client wishes to build a large carport with a pitched roof between the existing access to Dodds Lane and the tennis court. The structure would measure some 10.5m by 4.9m externally, and would be 5.2m in height, and the ground level would be lowered by 1m to facilitate a greater measure of screening by the 3m high roadside hedge immediately adjacent. The carport would be large enough to provide cover for 4 average size cars. The main materials of construction would be brick, stained boarding and clay tiles.

5. Both the Parish Council and the County Surveyor have no objections to the scheme. There are no other third party representations.

6. From my inspection of the site and its surroundings and from the written representations made, I consider that the main issue in this appeal is whether the carport, by reason of its position and size, would harm the rural character and appearance of the locality, and the purposes of the Green Belt.

7. Planning Policy Guidance Note 2 advises that inside a Green Belt, approval should not be given, except in very special circumstances, for the construction of new buildings for purposes other than agriculture and forestry, outdoor sport, cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area. You do not claim that this proposal falls within any of these categories of development, or that there are any very special circumstances which justify it. The Council's policies, which are contained in the approved Hertfordshire County Structure Plan 1986 Review, the adopted Dacorum District Plan and in the draft Borough Local Plan Review, are very restrictive towards new residential development in the open countryside and, particularly, in the Green Belt. This is in accordance with national policy advice.

8. In my opinion, the proposal would be contrary to both national and local policy. The structure would be prominently located adjacent to Dodds Lane, and would be highly conspicuous from many viewpoints in the locality - including the 2 footpaths - even though the excavation and the roadside hedge would together provide a measure of screening from the lane. The carport's overall size, and particularly its substantial height, would amount to a significant consolidation of the existing group of buildings, contrary to the purposes of the structure and local plans. This would harm the rural character and appearance of the locality, and the functions of the Green Belt. For these reasons, I have decided that the appeal should fail.

9. I have considered all other matters raised, including the Council's indication that it is not opposed in principle to a smaller carport in a different location. Such a proposal would need to be the subject of a revised application, for determination on its merits. Neither this nor any other matter alters or outweighs the considerations leading to my decision.

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

I am Sir
Your obedient Servant

Paul Dobson

PE DOBSEN MA(Oxon) DipTP MRTPI FRGS
Inspector