

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr. A.A.T. Honour
Gaddesden Hall Farm
Water End
Hemel Hempstead
Herts.

L.B. Ray, Esq.
Waterloo
Ledgemoor
Weobley
Hereford

.....Two storey side extension.....

at Gaddesden Hall Farm, Water End, Hemel Hempstead,
Herts.

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 27. May. 1988..... and received with sufficient particulars on 1. June. 1988..... and shown on the plan(s) accompanying such application..

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

This dwelling was approved under Policy 6 of the adopted Dacorum District Plan which states, inter alia, that planning permission for replacement dwellings within a group of dwellings which is likely to remain will be permitted although the new dwelling should be of a similar size to that which it replaces and should not be more intrusive on the landscape. The current proposal shows a cumulative increase in the size of the dwelling which is far in excess of that which would accord with Policy 6, and thus is contrary to the presumption against new development in the Metropolitan Green Belt, in the open countryside, and other visually important areas.

Dated 9th..... day of ..September..... 19 88

Signed.....

SEE NOTES OVERLEAF

P/D. 15

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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Department of the Environment

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J. D. A. Ellis
D. C. P.

Border Oak Design & Construction Ltd
Kingsland Sawmills
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LEOMINSTER
Herefordshire
HR6 9SF

Your reference

Our reference
T/APP/A1910/A/88/109781/P4

Date
5 JUL 89

CHIEF EXECUTIVE OFFICER
10 JUL 1989
File Ref.
Refer to <i>C.P.O.</i>
Cleared <i>10/7</i>

CPD	ICPM	DP	BL
30077					
Received 10 JUL 1989					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR A A T HONOUR
APPLICATION NO: 4/1035/88

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 an extension to provide additional accommodation at Gaddesden Hall Farm, Water End, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by the Parish Council and interested persons to the Council which have been forwarded to me. I inspected the site on 8 May 1989.

2. From my inspection of the site and the surroundings, and the representations made, I consider the main issue to be decided, in the light of prevailing policies, is whether there are special reasons which are sufficient to override the general presumption against inappropriate development in the Metropolitan Green Belt.

3. Development in the area is guided by the provisions of the Hertfordshire Structure Plan and the Dacorum District Plan, which reflect Government policy as expressed recently for example in Planning Policy Guidance Note No 2, and include a general presumption against inappropriate development in the Green Belt, except in very special circumstances. Policy 6 of the District Plan seeks to limit any replacement dwelling to a size similar to the one replaced, and to ensure that it is not intrusive in the landscape.

4. On behalf of your client, you draw attention to design considerations and to the family circumstances of the appellant. I accept that the 16th century design adopted has been only partially completed as a result of previous planning decisions, which sought to limit floorspace in line with Policy 6, and that by adding a further wing as proposed a more harmonious result could be achieved. An element of choice exists, however, in the selection of a suitable design for a dwelling, and to choose a design which demands later expansion for aesthetic reasons is not to my mind a valid reason to set aside the general presumption against development in the Green Belt. Nor do I believe the appellant's family circumstances, for which I have considerable sympathy, are a compelling reason to allow the appeal, since they must be weighed against the fact that the proposed development will remain long after they have ceased to be relevant.

5. I am aware of the background to this case insofar as the replacement dwelling formed part of a scheme which removed a series of existing buildings, including the former farmhouse, outbuildings, a barn and several concrete silos. I accept that this has provided a far more attractive environment than once existed, and that this

has been to the benefit of the Green Belt. This improvement has however already been taken into account by the Council in granting planning consent for a new dwelling significantly larger than its predecessor.

6. In summary, therefore, I am not convinced that in this case there are special reasons which are of sufficient weight to override the general presumption against inappropriate development in the Metropolitan Green Belt. I conclude, therefore, that your appeal should not be allowed.

7. I have had regard to all the other matters raised in the written representations, but they do not alter the balance of my conclusions on the main planning issue.

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

I am Gentlemen
Your obedient Servant

J. T. A. Hunter

J T A HUNTER BA(Hons) DiSVTP MRTPI
Inspector