

# Department of the Environment and Department of Transport

Common Services

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**CHIEF EXECUTIVE  
OFFICER**
**11 MAR 1987**

File No. 927

Cleared



PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.		Ack.			
Partnership	D.C.	B.C.	Admin.	File	
<b>Received 11 MAR 1987</b>					
Comments					

Technical Design  
Blue Court  
1 Church Lane  
KING'S LANGLEY  
WD4 8JP

Your reference  
MJH/MAG/0898

Our reference  
T/APP/A1910/A/86/057527/P4

Date

**10 MAR 87**

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY MR AND MRS BARRY MORGAN  
 APPLICATION NO: 4/1040/86

1. As you know I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of detached dwelling house on part of the front garden of 21 Highcroft Road, Felden, Hemel Hempstead. I have considered the written representations made by you and by the Council as well as the views of a neighbour. I inspected the site on Wednesday, 11 February 1987.

2. The site is located within an area designated as Metropolitan Green Belt. Having regard to this factor, the representations made and my inspection of the site and its surroundings, I have concluded that the case turns on whether or not any exceptional circumstances exist which would justify setting aside green belt policy. The basis of such policy is quoted in the Council's representations.

3. You have put forward several points, which I have taken to represent arguments justifying an exception to normally applied green belt policy. Firstly, you say the house would be situated at the far end of Highcroft Road and being almost screened from view by hedges and trees, would have no discernible impact on its surroundings. You have reinforced this contention with reference to an appeal decision, reference T/APP/A1910/A/83/002580/PH2, regarding an extension to 8 Highcroft Road. In his decision letter, my colleague commented that development along Highcroft Road is so hidden from public view by planting and topographical features, that one is unaware of its existence until one reaches the junction with Featherbed Lane. Secondly, the site lies amongst houses and, as such, you regard the development as "infill", which would not detract from the primary purpose of the green belt of preventing sprawl or coalescence of pockets of development.

4. In green belts there is a general presumption against residential development, unless required in the interests of agriculture, forestry or other uses appropriate to a rural area. None of these conditions prevail here. I accept that the site is so screened that a house would have but a minimal visual impact. However, in my experience, sites such as this are not uncommon within green belts. If your arguments were accepted, similar arguments could equally apply elsewhere and as a result, the concept of the green belt would inevitably be eroded. You maintain that the site is flanked by dwellings and forms part of an established housing development. Highcroft Road is not a substantial settlement; it is no more than a collection of dwellings sporadically located in the countryside. I take the view that notwithstanding the presence of houses either side of the site, your scheme

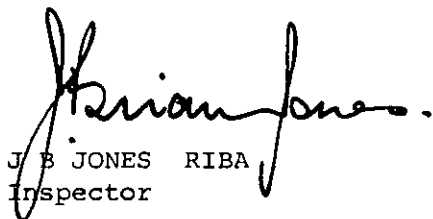
could not be properly classified as "infill" in the accepted sense of the term, since the site does not lie within what I would regard as a continuously built-up frontage of a built-up area.

5. Regarding the extension to 8 Highcroft Road, which you mentioned in the Grounds of Appeal. Reasonable extensions to existing dwellings are permissible as an exception to normal Green Belt policy, where they do not alter the character and scale of the house and are not inappropriate to the rural setting or the nature of other development in the locality. This addition and the contract in progress closely adjacent to the appeal site, it seems to me, do not prejudice the essential objectives of the development control policies which apply to this rural area.

6. I have taken account of all other matters raised in the representations, but cannot find an argument of such strength to persuade me other than that this is a case where green belt policy should not be set aside.

7. 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. B. JONES RIBA  
Inspector

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

## DACORUM BOROUGH COUNCIL

To

Mr. and Mrs. B. Morgan,  
21 Highcroft Road,  
Felden,  
Hemel Hempstead,  
Herts.

Technical Design Partnership,  
Blue Court,  
1 Church Lane,  
Kings Langley,  
Herts.

..... One dwelling (outline) .....

at ..... 21 Highcroft Road, 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 ..... 18 July 1986 ..... and received with sufficient particulars on ..... 21 July 1986 ..... 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 the Metropolitan Green Belt on the Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use 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 overriding need has been proved and the development is unacceptable in the terms of the policy.
2. The proposal would represent over-development of this particular site affecting adversely visual and general amenities and would detract from the character of the area.

Dated ..... 4th. day of ..... September ..... 19..86..

Signed.....

*W. B. B. B. B. B.*  
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 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.