



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

Common Services

Room 1408 Tollgate House Houlton Street Bristol BS2 9DS

Telex 449321

Direct line 0272-218 938

Switchboard 0272-21881

**CHIEF EXECUTIVE  
OFFICER**

20 JUN 1984

File Ref. ....  
Refer to .....  
Cleared .....

Andrew Mogg Esq  
Berryarbor  
Ringshall  
BERKHAMSTED  
Herts  
HP4 1ND

GTN-2074	
PLANNING 1214/1061/83	
DACORUM DISTRICT COUNCIL	
Your reference	
Ref.	Ack.
C.P.O.	D.P.
Our reference	
T/APP/A1910/A/84/11541/P6	
Date	
Received	20 JUN '84
Comments	

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO:- 4/1061/83

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum District Council to refuse planning permission for the erection of a 2 bedroom bungalow and detached garage on land adjoining 'Beechwood', Ringshall, Berkhamsted. I have considered the written representations made by you, by the Council, by the Little Gaddesden Parish Council and by interested persons. I visited the site on 22 May 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 the case which you have put forward for the erection of a house here can reasonably be regarded as falling within or outweighing the criteria of need for such development in the County Structure Plan and Dacorum District Plan; secondly, whether the development is acceptable on amenity grounds; and thirdly, whether permission should be withheld on access and highway grounds.

3. You were born and have continued to live in Ringshall and you represent the fifth generation of your family to live there. You are employed on a part-time basis by the Hertfordshire County Council as leader of the Little Gaddesden Youth Club. A number of local residents have written to testify to your success in this role and in support of your application. You say you need to live in the vicinity and have tried to buy a house but prices are very much too high. Your grandmother would sell you the appeal site at an agreed price and having regard to this, you say that you would be able to build the house at a cost which would be within your means.

4. The village of Ringshall lies beyond the Metropolitan Green Belt and in the Chiltern Area of Outstanding Natural Beauty. The site is within the Ringshall Conservation Area. Ringshall is not a village selected in the District Plan for small-scale rural development. The site is therefore in an area where planning permission will not be granted except in very special circumstances, and notably, unless the development is for the purposes of agriculture or forestry or for leisure purposes appropriate to the area and which cannot reasonably be located within the urban area; or for other uses appropriate to a rural area. Policy 15c of the Structure Plan as altered says that 'In order to sustain the rural community and to support provision for rural community needs development may be permitted in any rural settlement in the rural areas beyond the Metropolitan Green Belt for uses appropriate to a rural area'; and it says that the uses appropriate to the rural

area comprise the employment needs of agriculture, forestry, leisure and rural services and the local facilities and service needs of the rural area.

5. It appears that in the rural areas beyond the Metropolitan Green Belt, 2 villages, both at some distance from Ringshall, have been shown in the District Plan for small-scale residential development. Elsewhere in these rural areas strict criteria of need apply. The fact that you are employed by the County Council as a youth leader in Little Gaddesden itself points to the need for such a service in this rural area and Ringshall and Little Gaddesden are sufficiently isolated communities to make it not unreasonable for you to wish to live locally, given the times when such youth services are needed. I note, of course, that, as the local planning authority say, there is virtually no means for ensuring that a dwelling provided for a rural housing need continues to be occupied for this purpose but except in the case of agriculture, this must apply to almost any housing granted permission in such circumstances. I note that, presumably in the nature of the need, your work as a youth leader is only part-time but otherwise your application appears to me reasonably to meet the criteria of need in the Plans and your close personal links with the village and the local support for the work you do reinforce the case that you put forward.

6. There is, however, the further question whether the appeal site is suitable for a house for it lies in a conservation area in this rural village where strict criteria on this aspect also are appropriate. The site is well tucked away and is part of an isolated paddock. The site was approved for a dwelling in 1968 for someone employed locally but the permission was not acted on. A subsequent application by another applicant was refused on grounds of insufficient justification. This confirms me in my view that the site is one where a bungalow could reasonably be allowed without detriment to the amenities of the village. As for the access, the junction of the access road with the B4506 is not of a satisfactory standard but the road already serves a number of properties and the extra traffic deriving from one dwelling does not appear to me to present problems so serious as to warrant withholding permission. As for the concern of the Council that any permission in this case would make it more difficult to refuse similar proposals elsewhere in Ringshall and the rural part of the district as a whole, it appears to me that the criteria of local need, the hours when youth clubs have to operate, your local associations and the character of the site together make any serious undermining of the policy unlikely. In these circumstances, I have concluded that your appeal should be allowed.

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

8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a 2 bedroom bungalow with detached garage on land adjoining 'Beechwood', Ringshall, Berkhamsted in accordance with the terms of the application (No 4/1061/83) dated 2 August 1983 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;

2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:

a. 5 years from the date of this letter; or

b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

9. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

10. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971. Your attention is drawn to the provision of Section 277A of the Town and Country Planning Act 1971 (inserted into the Act by the Town and Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government Planning and Land Act 1980 which requires consent to be obtained prior to the demolition of any building in a conservation area.

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. Andrew Mogg  
Berryarbor  
Ringshall  
Berkhamsted

..... Dwelling and garage (outline).....  
.....  
at ..... Land adjacent Beechwood, Ringshall.....  
.....

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 .....2nd August 1983..... and received with sufficient particulars on .....10th August 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 without notation on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) and the deposited Dacorum District Plan 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 increased traffic likely to be generated by the proposed development would be a potential hazard on adjacent highways which because of inadequate width and construction are unsuitable for such additional traffic.

Dated .....22nd..... day of September.....19.83..

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.