

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

Town Planning  
Ref. No. 4/1063/74Other  
Ref. No. 1415/74DTHE DISTRICT COUNCIL OF ..... **DACORUM** .....

IN THE COUNTY OF HERTFORD .....

Mr. F.O.P. Brann,  
Hill House,  
To Hempstead Road,  
Bovingdon, Herts.

Agents: Melvin, Lansley & Mark,  
The Red House,  
113 High Street,  
Berkhamsted,  
Herts.

..... Detached house .....

at Hill House, Hempstead Road, Bovingdon.

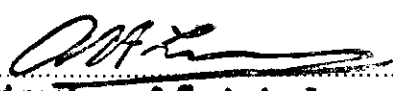
Brief  
description  
and location  
of proposed  
development.

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 **8th November, 1974** ..... and received with sufficient particulars on **11th November, 1974** ..... and shown on the plan(s) accompanying such application.

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

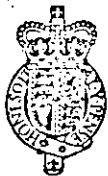
- 1) The site is within an area shown on the County Development Plan as 'No Notation' where it is the policy of the Local Planning Authority not to allow development unless it is required for agricultural or other special purposes - no justification has been submitted in this case.
- 2) The proposal if permitted would establish an undesirable precedent for similar development in the locality to the general detriment of the area.
- 3) The proposal if permitted would by reason of its siting establish an undesirable tandem form of development in relation to existing dwellings in the locality.

Dated ..... **Fifth** ..... day of ..... **March** ..... 19**75** .....

Signed   
Director of Technical  
Designation Services.

## 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, Whitehall, London, S.W.1.) 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.



**Department of the Environment**  
Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 378

Your reference  
CGL/CPM/244

Our reference  
T/APP/5252/A/75/8732/G4  
Date

Messrs Melvin Lansley and Mark  
Chartered Architects  
The Red House  
113 High Street  
BERKHAMSTED  
Hertfordshire

24 MAY 1976

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY F O P BRANN ESQ  
APPLICATION NO:- 4/1063/74 - 1415/74D

1. I have been appointed to determine your client's appeal against the decision of the Dacorum District Council to refuse planning permission for the erection of a detached house on land at Hill House, Hempstead Road, Bovington, Hertfordshire. I held a local inquiry into the appeal on 5 May 1976.
2. Bovington lies approximately 3 miles south-west of Hemel Hempstead on the B4505 road to Chesham. The main residential area of the village is to the south-east of this road, with the social, commercial and shopping facilities and services of the community more or less at the centre and mainly fronting a by-road which leads across country to the village of Chipperfield some 6 miles further to the south-east. The main body of the village has become fairly tightly grouped, principally as a result of post war development, and from this close knit centre random groups and individually located dwellings tend to straggle into the open countryside: to the north-east towards Hemel Hempstead, to the south-east on the Chipperfield road and to the south-west on the B4505 leading to Chesham. There is also a scatter of similar development along many of the by-ways through the surrounding landscape.
3. The appeal site is located on the fringe of a group of dwellings to the north-east which is separated from the higher density residential area of the village by some 300 yds of open countryside on either side of the road. The existing dwellings in the group, which appear to be of early 1930's origin, are generally substantial properties in spacious grounds and all are well concealed by mature trees, shrubberies and boundary hedges. The whole is surrounded by virtually unbroken countryside, except to the south-east where an hotel, a dwelling and a small caravan park stand close together to form an isolated group.
4. The site extends to approximately one acre and lies in the north-east corner of the roughly 6 acre grounds of Hill House. It has a wide frontage onto the B4505 Hempstead Road and a return frontage of approximately equal length onto a private road or driveway to 2 dwellings at the rear of its north-western boundary. The site is enclosed on all sides by abundant natural growth.
5. The principal arguments advanced in support of the proposed development were that: Hill House was in a group of substantial dwellings which stood, in most cases, in grounds of approximately 2 acres but some 6 acres surrounded your client's property. This large area had been retained with the thought always in mind that it would provide space for the erection of a smaller dwelling when your client no longer needed a big family house and wished to retire to a residence more suited to the requirements of 2 people and which was less costly to run. After occupying Hill House for 26 years

your client felt the time had come to make the planned change and after a long association with Bovington and as an active participant in the affairs of the community he had no desire to leave the village and there were no valid reasons why he should not be permitted to build on his own land. The proposal was to erect a retirement home on approximately one acre of the extensive garden of Hill House and, due to the density of the natural screening about the site, it would make no impact upon the surroundings whatsoever. It would not be an extension of development into open countryside as the plot was within the boundaries of an existing dwelling and it would not close a view or in any way disturb the appearance of the landscape or interfere with the amenities of the neighbourhood.

6. The reasons for refusal of permission were based upon meaningless terminology which was unrelated to the proposed development. It was said that it would be outside the core of the settlement but the area to which this word was applied was not defined in the Bovington Village Plan 1974 which said that limited development would be permitted within existing built-up areas. The site was within such a locality and was a part of the village which could not be regarded as detached from it. There was inconsistency in the interpretation of the areas of no notation and right up to the present day development was going on on land so designated in other parts of the community. In the past it had included the conversion of a large dwelling to an hotel almost opposite the site, the establishment of a residential caravan park in the same area and 5 separate housing developments of 20, 29, 40, 50 and 18 dwellings respectively. More recently, a 22 acre estate was in course of construction to the south-west of Bovington which extended the built-up part of the village well into open countryside. To the east of the site the planning authority had further permitted green land to be despoiled by the construction of a road across open fields to the new municipal golf course although an established access already existed. Tandem development had been referred to but the proposal had none of the undesirable characteristics or physical disadvantages of such a configuration. It was development on a wide frontage which would not affect the peace, privacy or outlook of any other dwelling.

7. All the previous refusals of planning permission in the locality which had been quoted were fundamentally different to the proposal and they failed to establish valid reasons for not permitting the development of the site. The cases referred to involved plans for the erection of groups of houses or developments which encroached upon open countryside whereas the proposal concerned one house on one acre within an existing residential block. This would be natural infilling within the county council's definition of the term and there were many similar sites in the neighbourhood where development had been permitted on this basis, including one a short distance to the east where building was currently in progress. The proposed house would be contained within a built-up area with dwellings on either side of it, a new access would not be required and there was no evidence of any description to show that the countryside would be disturbed or that the interests of any other person would be harmed. Finally, the personal circumstances of your client, while perhaps not decisive in themselves, deserved proper consideration and in the absence of any real planning objections to his proposal he should be permitted to build a new home.

8. The planning authority's main objections to the proposed development were that: the site was within an area of no notation on the County Development Plan and, in accordance with the suggestion of the Secretary of State, Green Belt notation had also been extended over the area as it was essential that special control was exercised to safeguard the countryside against development which was not necessary to agriculture or other interests related to the specific needs of the community. No such justification had been submitted in this case and there was an undisputed requirement to protect the amenities and character of the more rural parts of the

district to ensure that the outward spread of development did not bring about a merging of existing settlements. Three parcels of land amounting to approximately 26 acres were available for development in Bovington and these should be sufficient for all housing needs without disrupting the planning policy for the area which sought to prevent the expansion of residential areas outside the core of the smaller settlements unless there were exceptional circumstances in connection with the land or community services.

9. The general principle of infilling within the core of the village was not disputed but the appeal site was adjacent to an isolated group of dwellings which was separated from the main body of the settlement by a significant break in development. The group was erected before the present system of development control existed but strenuous efforts had been made since 1958 to avoid the establishment of any further precedents of a similar composition and it was considered there should be no more encroachments into the rural area to the east of Bovington. It was accepted that the site was well screened but this did not alter the situation. Pressures to build outside the more highly developed central areas of the villages were great and as the site did not differ from many others in the neighbourhood its development would encourage similar applications which would be difficult to resist.

10. The planning authority had been consistent in pursuit of the policy of strict control as the number of refusals of planning permission in the near surroundings would show and where they had been put to the test of appeal their decisions had been sustained. The few approvals which had been given by the council were for infill sites but the proposal did not fall into this category as it was not a narrow gap in an otherwise built-up frontage. There was a break of at least 200 yds to the east where a single dwelling stood in isolation with a further stretch of undeveloped land beyond.

11. The non-statutory review, Hertfordshire 1981, outlined the county policy regarding the development of genuine infill sites within the core of villages such as Bovington and this could not be set aside by disputing the meaning of the word core, nor did the village plan overthrow the policy. There was no objection in planning terms to some consolidation at the centre of Bovington but the green wedge to the east of the village had always been regarded as of special importance in preventing the merger of existing settlements and this view had been upheld by appeal decisions. Sporadic development outside the main body of the village could not be permitted if the open, rural character of the area was to be retained.

12. From the representations made at the inquiry and my inspection of the site and its surroundings I have come to the conclusion that the determining issue in this case is whether the proposed development would materially affect the character and appearance of the eastern outskirts of the village where the surroundings have a generally open and rural aspect.

13. However freely the terminology of the various planning documents concerning Bovington is interpreted I do not consider that the group of dwellings in question can be regarded as forming a part of the village where further development would be appropriate. A stretch of virtually unbroken countryside forms a clear break between it and the main body of the village and, in my opinion, this physical detachment places the area of the site beyond the limits where residential expansion would be suitable or desirable. The present state of the site contributes in no small degree to the rural character and appearance of the surrounding landscape and however well shielded from view a dwelling upon it might be I consider that the movements, sights and sounds of domestic occupation could not fail to make their impact upon the neighbourhood and, in my opinion, such an intensification of use

would mar the attractive features of the existing scene and tend to break down its atmosphere of rural seclusion. Furthermore, I am unable to accept that a plot of land on the open flank of a widely spaced residential group can be categorised as infilling within the known meaning of the term.

14. I recognise the fact that the natural screening of the site and its spaciousness would mitigate the full impact which the proposed dwelling would make upon its surroundings but by this measure I consider it is virtually identical with many other pieces of land in the neighbourhood and the adjoining countryside and to permit its development on the grounds that the visual effect would be minimal would provide, in my opinion, an open ended licence for others to press for the development of similar plots.

15. I am mindful of your client's personal feelings and circumstances but am unable to accept them as sufficient justification for setting aside the planning objections to the establishment of a dwelling which would continue to occupy the site long after these reasons for its existence ceased to be material. I have also considered all the other matters raised in the representations made at the inquiry and have come to the conclusion that none is of greater weight than those factors which have led me to my decision. For these reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant



N BARCLAY, FIARb MBIM FASMC  
Inspector