



Department of the Environment

Eastern Region

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Messrs Faulkners
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CHIEF EXECUTIVE
OFFICER

- 1 MAR 1976

The Ref.

Refer to

Referred

Your reference

Our reference

APP/5252/A/75/7802

Date

27 FEB 1976

Gentlemen

005102

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36
APPEAL BY MR C BROWN
APPLICATION NO. 4/1078/74

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mr S G Fox, BSc, MRTPI, CEng, MICE, FIMunE, who held a local inquiry into your client's appeal against the decision of the Dacorum District Council to refuse planning permission for the erection of a dwelling on land at Houghdown Common, Hemel Hempstead. A copy of the report is enclosed.

2. The Inspector said in his conclusions:-

"I consider that because of the number and type of animals which were accommodated on the appeal site at the time of my inspection, the attendance of an employee would not be necessary at all times and therefore the erection of a dwelling on the site would not be justified. In my opinion, because of the area of the appeal site and the size of the existing covered accommodation, the number of animals which could be kept on the holding, as existing, could not be significantly increased. Although the appellant intends to erect additional buildings, his agricultural business would still be dependent on the availability of sufficient areas of grass land which would have to be hired each year to provide grazing for his animals.

Because of the length and construction of the existing track, I consider that it would not be suitable to provide adequately for the traffic, including the vehicles of tradesmen and other visitors to the proposed dwelling, in addition to the existing traffic to the appeal site and to Model Farm.

The appeal site could be affected by the proposal to construct the road - A41(M) - across Houghdown Common and although construction is unlikely to be commenced for some years, in my opinion it would be wrong to permit the erection of a dwelling on the appeal site in the meantime.

I am therefore of the opinion that the agricultural need for the proposed dwelling is not sufficient to offset the planning objections to the proposal".

[Handwritten signature]

The Inspector recommended that the appeal should be dismissed.

3. The Secretary of State does not dissent from the Inspector's conclusions and accepts his recommendation. Therefore he hereby dismisses your client's appeal.

I am Gentlemen
Your obedient Servant

E J FUDGE

Authorised by the Secretary of State
to sign in that behalf

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF **DACORUM**

IN THE COUNTY OF HERTFORD

Mr. C. Brown,
88 Kingsland Road,
To Hemel Hempstead.

Dwelling house

at Roughdown Common, 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 **20th. October, 1974** and received with sufficient particulars on **18th 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 - insufficient justification has been submitted in this case. The application site is also allocated "principal road" on the approved County Development Plan.
- 2) The existing substandard access to the site is considered inadequate to serve an additional dwelling.
- 3) The site is affected by the proposals for the A.41(M) Kings Langley By-pass.

NOTE: Condition No.3. directed by the Regional Controller.

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

Signed.....

**Director of Technical
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.