

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

Other

Ref. No.

THE DISTRICT COUNCIL OF ..... DACORUM .....

IN THE COUNTY OF HERTFORD .....

To J. W. Cornell, Esq.,  
Lodge Aruhna,  
Potten End,  
BERKHAMSTED,  
Herts.

Messrs. Faulkners,  
49 High Street,  
KINGS LANGLEY,  
Herts.

One dwelling on land

at Lodge Aruhna, Water End Road, Potten End.

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 ..... 21st July, 1980 ..... and received with sufficient particulars on ..... 23rd July, 1980 ..... and shown on the plan(s) accompanying such application..

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

The site is within the Metropolitan Green Belt on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) 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.

Dated ..... 11th ..... day of ..... September, ..... 1980.....

Signed.....

Designation 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.

## Department of the Environment

Room 13.19

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321



11/12/81  
CPO 31/10/81  
RETURN TO A.C.P.O.  
FOR COMMITTEE  
REPORT

PLANNING DEPARTMENT					
DISTRICT COUNCIL					
Direct line 0272-218811					
Switchboard 0272-218811					
GTN 2074		Ack.			
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
		<input checked="" type="checkbox"/>			
Received <i>YAW</i>			Your reference		
			16 NOV 1981		
Comments			Our reference		
			T/APP/5252/A/81/03198/G7		
			Date		
			13 NOV 1981		

Messrs Matthew Arnold and Baldwin  
Solicitors  
20 Station Road  
WATFORD  
Herts  
WD1 1JH

Gentlemen

004069

CHIEF EXECUTIVE

16 NOV 1981

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR J W CORNELL  
APPLICATION NO:- 4/1130/80

- I refer to your client's appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for the erection of a single detached dwellinghouse at Lodge Aruhna, Water End Lane, Potten End. I held a local inquiry into the appeal on Thursday, 22 October 1981.
- From the representations made at the inquiry and from my inspection of the appeal site and surroundings, I am of the opinion that the main issue is whether the proposed dwelling would be an acceptable form of development in relation to the village of Potten End.
- For your client, the main points made were that the appeal site is part of the extensive and wooded grounds of Lodge Aruhna which adjoins the grounds of similar size and character of Hollybush Wood, the house situated just east of it. Although the character of these dwellings is quite different from those just to the west towards the centre of the village, they are still within the village which extends further east to the dwellings fronting Hollybush Close. This accords with the 1979 appeal decision in respect of a house in part of the grounds of Hollybush Wood that was allowed because it was regarded as being within the overall village envelope and an acceptable means of filling a gap between existing dwellings. The appeal site is not within the Metropolitan Green Belt on the approved County Development Plan as stated in the refusal reason. The Structure Plan extends the Metropolitan Green Belt, but the exact location of its new outer boundary and whether it would include the appeal site, although shown on the draft District Plan, have not yet been confirmed. In any case, the proposed development would not conflict with the green belt objectives of preventing the outward spread of building and the merging of settlements. The site is well screened, the proposed development would not require the loss of any of the mature trees on the site and would not detract from the existing character of the area. There is no objection to the proposed road access, which would use part of the driveway of the existing house. There have been no local representations against the proposed development, unlike another recent proposal in Potten End that was opposed by the Parish Council and local residents.

4. I note that proposals for residential development in the grounds of your client's house and Hollybush Wood were refused in the years before 1979 but it was stated for the council that there would be no objection to the proposed development on green belt grounds if the appeal site were in the main core of Potten End, as infilling described in Policy 15 of the Structure Plan would then be appropriate; the main core was described for the council as extending no further east than the public footpath that forms the west boundary of the appeal site. During my inspection of the surroundings, I saw that the form of the village appeared to have been established many years ago with buildings extending along both sides of the roads that radiate from The Green, including a further extension on the north side of Water End Road. More recent development appears to be infilling or limited development in depth within the earlier established limits, beyond which there are few buildings. The character of the appeal site and the area immediately east of it is noticeably different from the residential area immediately to the west, which is almost devoid of large trees. However, I do not consider that the low density, wooded character of the appeal site excludes it from being regarded as part of the village just because it is not typical of the character of the remainder. In my opinion, it does not appear to be beyond the village limits, partly as the Hollybush Close development of about 16 dwellings lies further to the east and partly as the appearance of the 2 dwellings, Brackens and the house that was allowed in the 1979 appeal, in this wooded area add to its residential character.

5. In accepting that the appeal site is within the village, I consider that it is necessary to preserve its special character as part of a larger area of woodland. During my inspection I saw that the site has numerous mature forest trees, mostly about 50 ft apart from each other and to a height of 50 ft or more. If none of these were felled as stated for your client, the proposed house would be almost wholly overshadowed, giving an unacceptable environment for its occupiers. Other houses in the wooded area stand in clearings that extend mainly towards the south and for a width greater than that of each house, so providing a reasonable amount of natural light. I see no reason to object to a limited clearing of trees around the proposed house, provided that sufficient trees remained on the site to maintain the overall character of the area. However, I consider that the proposed dwelling is likely to be average or larger in size and the 100 ft width of the appeal site would be insufficient to maintain the wooded character around the dwelling and its clearing. As a result, I am of the opinion that its appearance, particularly when seen from the direction of the public footpath, housing area and road to the south-west, would be detrimental to that character.

6. I have concluded that the size of the site shown on the application plan is inadequate for the proposed development without the detrimental effect that I have described and for this reason alone I have decided to dismiss your client's appeal. I have taken into account all the other matters in the representations, but I am of the opinion that they do not outweigh the considerations that led me to my decision.

7. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your client's appeal.

I am Gentlemen  
Your obedient Servant

*D. J. Tuckett*

D J TUCKETT ARICS MRTP  
Inspector