

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To The Boxmoor Trust,
St. John's Hall,
St. John's Road,
HEMEL HEMPSTEAD,
Herts.

Bungalow - OUTLINE

at Howes Retreat, Felden Lane, 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 17th 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 without notation 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

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PLANNING DEPARTMENT

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Ref. Ack. GTN 2074

C.P.O. D.P. D.C. D.C. Admin. File

Your reference

Our reference

T/APP/5252/A/81/01647/G8

Date

7 MAY 1981

Mr J Marshall
Administrator
The Boxmoor Trust
St Johns Hall
St Johns Road
HEMEL HEMPSTEAD HP1 1NP

Received 11 MAY 1981

Comments

002395

11 MAY 1981

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY THE BOXMOOR TRUST
APPLICATION NO: 4/1135/80

1. I refer to this 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 bungalow at Howes Retreat, Felden Lane, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 8 April 1981.
2. The site is at the eastern side of a field belonging to the Trust. It is within an area without notation on the approved County Development Plan, in an area referred to as being within the extension of the Metropolitan Green Belt in the approved County Structure Plan and shown to be within the Metropolitan Green Belt in the District Plan which is at present on public deposit.
3. Green belt policy, briefly stated, precludes the building of new houses unless required to fulfil an essential agricultural or related need; development outside this category would be permitted only if the circumstances are sufficiently exceptional. The main issues here are therefore whether the proposal is justified on agricultural grounds or whether there are any other special grounds to warrant an exception from the strict control policy.
4. You point out that the proposal is made because a scheme for improving the classified road A41, where the Trust's herdsman's cottage now stands, may cause it to be lost. It would be ideal for the replacement cottage to be provided at Howes Retreat where the Trust have farm buildings for their sheep and cattle and where a small bungalow tucked behind the existing trees and hedges would not be seen from Felden Lane.
5. The council do not accept however that the circumstances justify the grant of planning permission for a new dwelling in the green belt. They say that the Trust have used Howes Retreat for some time as a place to keep animals without the benefit of a house on the site and that if the existing herdsman's cottage some $\frac{1}{2}$ mile away is to be lost, there may be solutions other than new building on this site.
6. I have sympathy for the difficulty facing the Trust and recognise their need to plan ahead but on the information provided in connection with this appeal, it does not yet seem clear that the present dwelling will necessarily be lost or, if it is, when that is likely to be. However, on the question whether a replacement,

if required, could be allowed, I must point out that it is an established principle of national and local policy that to justify the grant of permission for an agricultural workers dwelling in the green belt it needs to be shown that it is not merely convenient but essential for it to be built actually on the farm or other holding for the successful conduct of viable farming operations. My conclusion with regret, is that an essential agricultural need has not been proved in this case although I do not doubt your affirmation that it would be advantageous for the Trust's herdsman to be accommodated here rather than elsewhere.

7. I have considered the submission that dwellings have been allowed nearby on the other side of the lane but I see no reason to question the council's explanation that such development was infilling on the "residential" edge of the boundary with the green belt area. I accept that the site is secluded but this is a factor which could apply to many other would-be proposals and is not exceptional.

8. I have taken account of all other matters referred to in the representations but they do not outweigh the considerations that have led to my decision.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant



E S FOSTER
Inspector