

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

~~THE DISTRICT COUNCIL OF~~~~IN~~ THE COUNTY OF HERTFORD

To Mr Philip R Lund
6 Bryanston Place
London
W1H 7FQ

... PROPOSED FELLING OF TREES AND FILLING OF HOLLOW AND ...
HOLES WITH IMPORTED CONSTRUCTION AND DEMOLITION WASTE
... PRIOR TO REPLANTING;
at EVANS SPRING/HIGH SPRING, MARLIN HILL, TRING.

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 23rd July 1990 and received with sufficient particulars on 6th October 1990 and shown on the plan(s) accompanying such application..

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

See attached Schedule of Reasons numbered 1 - 2.

Dated 6th day of December 1990...

Signed..... T. J. Betts

Designation Head of Planning.....

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.

APPLICATION FOR FELLING OF TREES AND INFILLING OF
HOLLOWS WITH IMPORTED WASTE PRIOR TO REPLANTING
EVANS SPRING/HIGH SPRING, MARLIN HILL, TRING
APPLICATION NUMBER: 4/1145-90

Reasons for Refusal

The site is within the Green Belt as described in the Approved Hertfordshire County Structure Plan 1986 Review, the precise boundaries of which have been defined in the deposited Dacorum District Plan. Policy 1 of the Approved Structure Plan states that within the Green Belt permission will not be given, except in very special circumstances, for development for purposes other than that required for mineral extraction, agriculture, small scale facilities for participatory sport, and recreation or other uses appropriate to a rural area.

The site is also within the Chilterns Area of Outstanding Natural Beauty as described in Policy 2 parts iii) and vi) of the Approved Structure Plan. The policy states that within the AONB the rehabilitation of broadleaved woodlands will be encouraged and that it will not be regarded as one of availability from the point of view of development, and that both development and communications will be subordinated to the basic theme of the area of outstanding natural beauty.

Policy 11 of the Approved Structure Plan specifically states that the local planning authority will not normally give permission for development on or affecting Hertfordshire's Sites of Special Scientific Interest.

1. The proposed development cannot therefore be justified in terms of the purposes specified and no exceptional circumstances are apparent in this case. The local Planning Authority does not consider that the quantity of material as proposed is necessary to achieve the desired woodland replanting and therefore does not satisfy the terms of Policy 2. Its impact on the environment and amenity in terms of loss of visual beauty, noise, and affect on highway safety cannot therefore be accepted. Furthermore the proposal is contrary to Policy 11, in that both Tring Park SSSI and Tring Woodlands SSSI are in the nearby locality, and will therefore again only suffer a loss in amenity and environment for the reasons stated above.
2. The introduction of heavy goods vehicles along the local rural road network would be unacceptable due to the narrowness, poor alignment and construction of these roads, furthermore vehicles approaching from a northerly direction would have to pass through the urban areas of Tring to the detriment of highway safety.

—N.B.