

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr J Rance
Crosslea
The Nap
Kings Langley Herts

J L Sims
3 Fishery Cottages
West Hyde
Harefield Middx

| |
|--|
| <p>..... two storey and single storey extension</p> <p>.....</p> <p>at Long Drive Flaunden Lane Hemel Hempstead</p> <p>.....</p> |
|--|

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
 13.6.88 and received with sufficient particulars on
 16.6.88 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 adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use 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 5th day of August 1988

Signed.....

Wm B. Smith

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.



Planning Inspectorate Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321

Direct Line 0272-218927
Switchboard 0272-218811
GTN 1374

CHIEF EXECUTIVE
OFFICER

23 MAR 1989

File ref.
Refer to *23/3*
Cleared

John L Sims, AMIBC
3, Fishery Cottages
Coppermill Lane
Harefield
UXBRIDGE
UB9 6HZ

| PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL | | | | | | |
|--|--------|----------|------|---|------|------|
| Ref. | C.P.O. | T.C.P.M. | C.D. | D.C. | T.C. | File |
| Received 23 MAR 1989 | | | | Our Reference: T/APP/A1910/A/88/105567/P5 Date: 22 MAR 89 | | |
| Comments | | | | | | |

28831

4/10
2/88
5/18

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY J RANCE ESQ
APPLICATION NO:4/1149/88

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a link extension, the formation of a second storey and rebuilding of an existing garage at Long Drive, Flaunden Lane, Feldon, Hemel Hempstead. I have considered the written representations made by you and the council, and I visited the site on 21 February 1989.

2. The appeal site lies in the Metropolitan Green Belt, in an area where there is scattered residential development. There are fields to the east and west of the site, whilst the large houses of Felden Barns and Felden Meadows can be seen across paddocks and lawns to the north. To the south is a small group of dwellings fronting Flaunden Lane, whilst the small settlement of Felden is concentrated around road junctions to the north east. The boundaries of the Green Belt are defined in the adopted Dacorum Local Plan, and this also sets statutory policies against which development proposals should be judged. In the Green Belt, development is not permitted except in very special circumstances, and this presumption against development extends to the small settlements in the Green Belt. From my inspection of the site and its surroundings, and from the written representations I therefore consider that the main issue in this appeal is whether the circumstances of the proposed development are so very special that they warrant an exception to the normal presumption against development in the Green Belt.

3. The council have approved a non statutory guideline to assist in making decisions concerning the extension of dwellings in the Green Belt. Your client's proposed extensions would increase the present floor area of the dwelling from about 250 sq m to about 450 sq m, although it is possible that not all of the building at present on the land is authorised. In any event the scale of building proposed greatly exceeds that given in the councils guidelines. Whilst I recognise that the desire of an owner to extend his dwelling may constitute very special circumstances, particularly where the dwelling is deficient in some respect, I view the councils guideline in relation to the more recent advice of the Secretary of State that local planning policies should make no reference to the possibility of allowing development inappropriate in a rural area in exceptional circumstances. Therefore, whilst I do not doubt that these local policies may aid the council in making decisions, I can give them little weight in coming to my decision.

DPG2
§ 14



4. The essence of your case is that the present buildings on the site are unsightly, and that the appeal proposal would give a better balance of internal accommodation, and result in a dwelling more in keeping with its large site and the mansions nearby. I accept that there is scope for improvement in the property, and that the specialised nature of its past use may make it necessary for some alteration to permit full use by a family which does not require a large separate music room. However, I do not consider that these deficiencies are so great, or that the dwelling is harmfully out of scale with its surroundings in a way which could be seen as so special that the appeal proposal should be permitted exceptionally in the Green Belt. Nor do I consider that the perceived benefits of enlarging this dwelling to a size similar to surrounding properties can be termed a local need. I did not find the dwelling to be unsightly, and do not consider that there would be improvement to the long range public views of the site if the far more prominent appeal proposal were to be permitted.

5. I have taken into account all other matters raised in the written representations, but I do not find that they outweigh the planning considerations which have led me to my conclusions.

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

I am Gentlemen
Your obedient Servant

David Ward

David Ward BSc(Hons) CEng MICE FIHT
Inspector

Town Planning 4/0756/75
Ref. No.

Other
Ref. No. 1264/75D

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

avoids all of the following: (a) any development which is not in accordance with the provisions of the Town and Country Planning Act, 1971, and (b) any development which is not in accordance with the provisions of the Town and Country Planning Act, 1972.

1. The Council hereby grants permission for the development proposed in the application made to it on the 11th day of August 1975.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mr. A. Payne,
Long Drive,
Flaunden Lane,
Felden,
Hemel Hempstead.

Agent: E.E. Lemon. Architect,
61 Parkwood Drive,
Hemel Hempstead.

| | |
|---|--|
| <p>... Alterations and extensions ...</p> <p>at Long Drive, Flaunden Lane, Felden, Hemel Hempstead.</p> | <p>Brief description and location of proposed development.</p> |
|---|--|

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 permit the development proposed by you in your application dated 8th August, 1975 and received with sufficient particulars on 13th August, 1975 and shown on the plan(s) accompanying such application, subject to the following conditions:—

- (1) The development to which this permission relates shall be begun within a period of five years commencing on the date of this notice.
- (2) The materials used externally shall match those on the existing building of which this development shall form a part.

1104

1. The Council hereby grants permission for the development proposed in the application made to it on the 11th day of August 1975.

2. The Council hereby grants permission for the development proposed in the application made to it on the 11th day of August 1975.

3. The Council hereby grants permission for the development proposed in the application made to it on the 11th day of August 1975.

4. The Council hereby grants permission for the development proposed in the application made to it on the 11th day of August 1975.

Town Planning 4/0525/81

Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To A. Payne Esq., E. E. Lemon Esq.,
 Long Drive, Brook Cottage,
 Flaunden Lane, Bank Mill Lane,
 Felden, Hemel Hempstead, Herts. Berkhamsted, Herts.

| | |
|----------------------------------|---|
| Single storey extension, | Brief description and location of proposed development. |
| at Long Drive, | |
| Flaunden Lane, Bovington, Herts. | |

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 permit the development proposed by you in your application dated 30th March 1981 and received with sufficient particulars on 31st March 1981 and shown on the plan(s) accompanying such application, subject to the following conditions:—

- (1) The development to which this permission relates shall be begun within a period of... commencing on the date of this notice.
- (2) The materials used externally shall match both in colour and those on the existing building of which this development shall be a part.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.
- (2) To ensure satisfactory appearance.

1st day of June 1981

Signed *Osiri Bama*

Designation Chief Planning Officer

NOTE

the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting necessary.

the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the 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 decision. The appeal must be made on a form which is obtainable from the Secretary of State for the Environment, Marsham Street, London 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 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 or to any directions given under the order.

If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its present state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been permitted, he may serve on the Common Council, or on the Council of the county borough, London borough or district in which the land is situated, as the case may be, 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.

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission for development has been refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to the Secretary of State. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

Town Planning
Ref. No. 4/0193/84

Other
Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mr A G L Payne
Long Drive
Flaunden Lane
Felden

Mr M H Seabrook
4 Bradbery
Maple Cross
Rickmansworth

| | |
|--|---|
| Single storey side extension | Brief description and location of proposed development. |
| | |
| at .. Long Drive, Flaunden Lane, Bovington | |

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 permit the development proposed by you in your application dated 14th February 1984 and received with sufficient particulars on 15th February 1984 and shown on the plan(s) accompanying such application, subject to the following conditions:-

- (1) The development to which this permission relates shall be begun within a period of 5 years commencing on the date of this notice.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.

Dated.....3rd.....day of.....April.....19 84

Signed..........

Designation CHIEF..PLANNING..OFFICER

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, Marsham Street, 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 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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.