

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To Dr. A. M. Brown,
Church Lane House,
Vicarage Lane,
Bovingdon, Herts.Agents: R. J. Hitchison, Chartered Surveyors,
63 Marlowes,
Monk Hempstead,
Herts.

Two dwellings with double garages,

at Church Lane House, Vicarage Lane, Bovingdon.

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 25th October 1977 and received with sufficient particulars on 26th October 1977 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 without notation on the County Development Plan where there is a presumption against further development unless it is essential in connection with agricultural or other special purposes. No justification has been submitted in this instance.
- 2) Under the Local Planning Authority's Green Belt Policy, Bovingdon is a "Listed" village within which only a limited amount of infilling within the core of the village would comply with the provisions of that policy. The proposed development would be contrary to the policy in that Vicarage Lane is not within an area where infilling development is envisaged in the Appendix to the Written Statement of Review of the County Development Plan.

Dated 8th day of December 1977

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.

C/80/14.12



Department of the Environment

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CHIEF EXECUTIVE

11 JAN 1979

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Messrs Zabell & Co
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Surrey
SM2 7BG

Your reference

Our reference

T/APP/5252/A/78/5147/G9

Date

- 8 JAN 1979

009950


Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY DR A M BROWN
APPLICATION NO:- 4/1160/77

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council, to refuse planning permission for the erection of 2 houses at Church Lane House, Vicarage Lane, Bovingdon. I held a local inquiry into the appeal on 6 December 1978 when I also inspected the site and surroundings.
2. Bovingdon lies within an area where Green Belt policies have been applied with the Minister's approval for a number of years; it is likewise within the Green Belt extension proposed in the Structure Plan. New houses are restricted to infilling sites within the main core of the village: the question at issue is simply whether the appeal site can properly be so described or whether it belongs to the proposed Green Belt area outside the village.
3. For the appellant it was argued that Vicarage Lane was part of the village core and that the site between the Vicarage and Church Lane House was an infill site and satisfied the Structure Plan criteria for such sites. As regards the appeal dismissed in 1968, the position had changed because of the re-evaluation of housing needs and in particular by virtue of the Department of the Environment's Circular 122/73 of 1 October 1973 entitled Land Availability for Housing. The houses would be a natural extension of existing development, germane to the village and not isolated or radiating out from it: there was no damage to Green Belt amenities.
4. For the Council it was argued that the houses did not fulfil the criteria demanded by infilling. The site was not a small gap in a built up frontage nor was it part of the built up part of the village at all. The development was directly contrary to paragraph 5.2.2 of the Bovingdon Village Study 1974. There had been no essential changes since the dismissal of the 1967 appeal.
5. The case for your client was argued with skill and perseverance but cannot succeed. By no stretching of that much abused term can this be described as an infill site. Vicarage Lane remains a country lane just because the northern side is not built up. The character of the land to the south of the lane is determined by man but that to the north is determined, or at least dominated, by nature: it belongs essentially to the proposed Green Belt area outside the village confines. I have, as well as the matters referred to in this letter, taken account of the other points advanced in favour of this appeal but they do not affect 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


J M KISCH CMG
Inspector

NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER