

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

Other

Ref. No.

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To

Mr. & Mrs. A. H. Nyboer,  
Longfield,  
FLAUNDEN,  
Herts.

Messrs. Cannon, Morgan & Rheinberg,  
38 Holywell Hill,  
ST. ALBANS,  
Herts.

Residential development

- OUTLINE

at

land between Le Chalet and 1 Hunters Close, Long 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 7th August, 1980 and received with sufficient particulars on 11th August, 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 lies within the Metropolitan Green Belt as defined in the Approved County Structure Plan wherein planning permission will only be given, whether for the construction of new buildings or the change of use or extension of existing buildings, for agricultural purposes, small scale facilities for participatory sport and recreation, or other uses appropriate to a rural area. The proposed development is unacceptable in terms of this policy.

Dated 2nd day of October, 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 1411

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.				Ack.	
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received Direct line 0272-218 910 Switchboard 0272-218811 Ext 2074					
28 SEP 1981					
Council Ref: 4/1237/80					
Your reference					

Mr & Mrs A H Nyboer  
Longfield  
FLAUNDEN  
Herts

CHIEF EXECUTIVE

28 SEP 1981

Our reference

T/APP/5252/A/81/2049/G4

Date

22 SEP 1981

3767

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

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 residential development of land between "Le Chalet" and No. 1 Hunters Close, Long Lane, Bovingdon. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 10 September 1981.
2. The appeal site, formerly in government occupation in connection with Bovingdon airfield, is now densely overgrown except where the floor slabs of demolished buildings, the centre line of internal roads, a water tank and a few remaining buildings at the north-western end of the site are still visible. The frontage to Long Lane is, except for the former point of access, almost completely screened by a very high hedge. There is a similar hedge and mature trees along the south-western border with Le Chalet, with fences and hedges to the 2 other sides.
3. From the submissions which have been received, together with my inspection of the site and its environs, it appears to me that the decisive issue is whether there are overriding circumstances affecting the site which would justify an exception being made to the restrictive policies relating to housing development in the Metropolitan Green Belt.
4. Bovingdon village and its surroundings lie within the Metropolitan Green Belt extensions indicated in the approved Structure Plan for Hertfordshire. The exact boundaries of the village of Bovingdon are to be defined on a district plan for that village and this has been done. The plan has been the subject of a quite recent public inquiry the findings of which have not yet been issued. The proposals of that district plan, so far as they relate to the subject matter of this appeal, show the site as being outside the village proper and inside the green belt. In the light of these circumstances it is my view that the site should be subject to green belt policies until the results of the public inquiry are known.
5. It is true that there is other residential development along the western side of Long Lane, but south of the small Ministry of Defence Estate this consists of a few detached properties, some in quite large plots and separated by substantial open frontages. The situation in this respect differs markedly from that on the eastern side of the road where, as was said in the Inspector's

decision letter of 6 May 1975 (your enclosure No. 3) there is "a continuous row of mainly inter-war dwellings, interspersed with some modern housing which stretches southwards from the Royal Oak for more than 300 yds". There is a further important difference between the 2 sites in that the frontage involved in the former case was only some 43 ft whereas your plot has a frontage of over 250 ft and is of considerably greater area.

6. There is some force in your argument that the site is so overgrown and so largely covered with concrete, tarmacadam or buildings that it is inconceivable that it would ever revert to agricultural use. I do not agree that this must necessarily be the case, however, having regard to the specialised plant now available for clearance work and, of course, the proposition that derelict land should be used for housing even though it is in the green belt would have wide-spread effects especially where, as here, it is on the fringe of an existing settlement. Although I fully accept your point that Middle Lane is narrower than Long Lane nevertheless the same argument as to land dilapidation could be applied to the far larger area in similar condition along the former road.

7. There are no special circumstances related to agricultural need, or other uses appropriate to the green belt, which would warrant making an exception in this particular case to green belt policy, a policy which is always under greatest pressure where it adjoins existing development and where the need to support it is therefore most needed.

8. I have taken into account all the other matters raised in the representations which have been made but none is so weighty as to affect my decision.

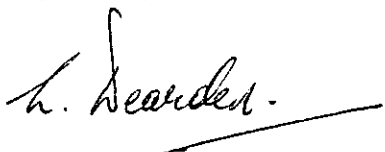
#### FORMAL DECISION

9. For the above reasons and in exercise of the powers transferred to me I hereby dismiss your appeal and refuse to grant planning permission on your application of 7 August 1980 (Ref No. 4/1237/80).

#### RIGHTS OF APPEAL

10. This letter is issued as my decision on the appeals before me. Particulars of the right of appeal to the High Court are enclosed for those concerned.

I am Sir and Madam  
Your obedient Servant



L DEARDEN JP Barrister FIAS FIPHE  
Inspector

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