

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mrs. H. J. McBlain,
Bank Mill Cottage,
Bank Mill Lane,
BERKHAMSTED,
Herts.

M. Crush, Esq.,
71 Wendover Court,
Chiltern Street,
LONDON,
W1M1HH.

..... Chalet Bungalow - OUTLINE

at Land adjacent to Bank Mill Cottage, Bank Mill Lane,
.....
Berkhamsted,

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 5th August, 1980 and received with sufficient particulars on 13th 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:—

1. The site is within a rural area beyond the Green Belt 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.
2. The erection of a dwelling on this site would constitute an isolated and unsatisfactory form of development adversely affecting the open and rural character of the immediate area and insufficient justification has been advanced to warrant a departure from the strong presumption against such development in this location.

Dated 2nd day of October, 19 80

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 13-19

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.			Ack.		
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Direct line 0272-218 875					
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GTN 2074			17 JUN 1981		
Received					
Comments					
Your reference 145					
Our reference					

Mr M Crush MA(Cantab) FRICS
71 Wendover Court
Chiltern Street
LONDON W1M 1HH

T/APP/5252/A/81/04271/G7
Date

15 JUN 1981

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS H J McBLAIN
APPLICATION NO:- 4/1257/80

1. I refer to your client's appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for a chalet bungalow on land adjacent to Bank Mill Cottage, Bank Mill Lane, Berkhamsted. I have considered the written representations made by you, the council and the Berkhamsted Citizens Association. I inspected the site on Wednesday 27 May 1981.

2. From my inspection of the appeal site and surroundings and from the representations made, I am of the opinion that the main issue is whether there are special circumstances which are sufficient to overcome the presumption against the proposed dwelling in the extended green belt, including the effect of the proposed dwelling on the appearance and character of the surrounding area.

3. Your client's is one of a pair of old dwellings adjoining the Grand Union Canal, which front on to Bank Mill Lane. Its curtilage extends about 50 m to the side of the house, mainly fronting Bullbeggars Lane which extends easterly over the canal. The appeal site consists of the mainly overgrown part, between Bullbeggars Lane and the Canal boundary.

4. The built-up part of Berkhamsted extends about as far to the south-east as the appeal site, but it is situated on the south-west side of the main A41 road. On the other side of that road the built-up part terminates about 500 m further to the north-west. The unbuilt land beyond on the north-east side of the A41 road, including the appeal site, is in the lowest part of the valley of the River Bullvarne, in which the river and canal lie in the valley between meadows surrounded by hedgerows. Although this part is crossed by an embankment that carries the main railway line, it is all part of the generally rural area that includes the higher land to the north-east. Apart from Windlass Cottage to which your clients is attached, there are only 2 other dwellings in the vicinity, both fairly old and situated about 100 m to the west of the appeal site.

5. Much of the road frontage of the appeal site has no hedge or trees and the provision of a vehicular driveway for the proposed dwelling would require the removal of some or all of the group of trees along the frontage of Bank Mill Cottage. As a result of this and its position at the junction of 2 lanes, I consider that the proposed dwelling would be a fairly conspicuous feature when seen from nearby and from the main A41 road, the canal and the railway. I would regard the proposed

dwelling as detrimental to the generally open and rural character of the surrounding area which I note is within an Amenity Corridor defined in the Structure Plan where priority is given to landscape improvement.

6. I note the reference to special personal circumstances in support of the application which appear to relate to the need for someone to live close at hand to help support your client and her husband. I appreciate the need for support by the elderly and partly infirm but help can be provided in a variety of ways which do not require the erection of a dwelling, whereas a building would remain for long after this period of need. As a result, I do not consider that your client's circumstances are sufficient to overcome the presumption against the proposed development and its visual effect, contained in the council's policies for appropriate development on the green belt.

7. I have taken into account all the other matters in the representations, including the contents of Circular 22/80, but I am of the opinion that they do not outweigh the considerations that led me to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your client's appeal.

I am Sir
Your obedient Servant

D. J. Tuckett

D J TUCKETT ARICS MRTPI
Inspector