

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Taylor Woodrow Homes Ltd
Western House
Western Avenue
London W5

C A Lennon Associates
Stewart House
23 Frances Road
Windsor
Berks

..... Residential development - outline

.....

at Land at the junction of Shootersway and
Coppins Close 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 dated20.9.84 and received with sufficient particulars on24.9.84 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 the Metropolitan Green Belt on the adopted Dacorum District Plan herein 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 County Structure Plan contains, as part of the statement for each Policy area of the County, control levels relating to the amount of housing to be provided over the Plan period. There is already adequate land available to meet needs for residential development in the Dacorum Policy area to the end of the current District Plan period. The Control levels have already been exceeded in the Dacorum Policy area and, if additional land is developed, over and above that already committed, this high rate of growth will continue, contrary to the overall policy of restraint contained in the County Structure Plan.
3. The proposed development would be contrary to Policy 78 of the adopted Dacorum District Plan which identifies the site for the purposes of public open space.

Dated: 7th day of November 1984

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, 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.
- (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

TOWN AND COUNTRY PLANNING ACT 1971 (AS AMENDED)
ACQUISITION OF LAND ACT 1981

APPEALS BY TAYLOR WOODROW HOMES LIMITED UNDER SECTION 36 OF THE TOWN AND COUNTRY PLANNING ACT 1971 (AS AMENDED) AGAINST THE DECISION OF DACORUM BOROUGH COUNCIL TO REFUSE AN APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE RESIDENTIAL DEVELOPMENT OF LAND AT SHOOTERSWAY AND COPPINS CLOSE, BERKHAMSTED, AND UNDER SECTION 5 OF THE ACQUISITION OF LAND ACT 1981 AGAINST THE DACORUM BOROUGH COUNCIL (LAND AT SHOOTERSWAY AND COPPINS CLOSE, BERKHAMSTED) COMPULSORY PURCHASE ORDER 1985

DEPARTMENT OF THE ENVIRONMENT REFERENCES : APP/A1910/A/85/31368
E1/5252/341/3

DACORUM BOROUGH COUNCIL REFERENCES : 4/1271/84
2084/15

PUBLIC LOCAL INQUIRY HELD AT THE CIVIC CENTRE, HEMEL HEMPSTEAD, ON
16 SEPTEMBER 1986

PROOF OF EVIDENCE OF COLIN GEORGE BUTLER BARNARD, M.Sc., Dip.T.P.,
M.R.T.P.I., CHIEF PLANNING OFFICER, DACORUM BOROUGH COUNCIL

I am the Chief Planning Officer for Dacorum Borough Council, the Local Planning Authority, and have been so employed since January 1981. I hold the degree of Master of Science in Urban Studies from the University of Salford, the Diploma in Town and Country Planning from Nottingham College of Art and Design, and have been a Member of the Royal Town Planning Institute since 1972.

I shall confine my evidence to the planning issues relevant to this case. The Council's Recreation Officer will be giving evidence as to the recreational need for Public Open Space land in Berkhamsted and the particular suitability of the Appeal Site.