

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To J Clifton
127A London Road
Markyate

R R Rawlings
17 Tarnside
Dunstable

Two dwellings (Outline)

at Land adj. Longview, Chapel Road, Flamstead

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 3rd. October 1983 and received with sufficient particulars on 3rd. October 1983 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 an area without notation on the County Development Plan and in an area referred to as being within the extension of the Metropolitan Green Belt in the County Structure Plan and the deposited Dacorum District Plan, 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. Policies 4 and 5 of the deposited Dacorum District Plan seek to restrict development in certain villages, including Flamstead, within the Metropolitan Green Belt (as extended by the County Structure Plan and shown on the District Plan Proposals Map) to that which is for an essential use appropriate to a rural area as set out in Policy 4. The proposed development has not been justified in terms of these policies.

Dated 24th day of November 19 83

Signed.....

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, 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.



Department of the Environment and Department of Transport

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CHIEF EXECUTIVE
OFFICER

24 SEP 1984

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GTN 2074

File Ref. *CFO 249*
Refer to
Signed

Oakwood Commercial
17 High Street
ST ALBANS
Herts
AL3 3EH

Your reference

ML/JC

Our reference

PLANNING DEPARTMENT

T/APP/AL910/A/B4/D5668/COUNCIL

Date Ref.

C21 SEP 84

Ack.

Admin.

File

Received

24 SEP 1984

Comments

Gentlemen

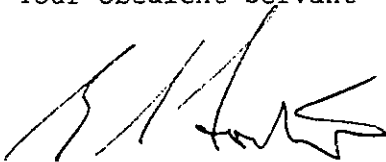
TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR J CLIFTON
APPLICATION NO:- 4/1284/83

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum District Council to refuse outline planning permission for the erection of 2 dwellings on land adjoining "Long View", Chapel Road, Flamstead, Herts. I have considered the written representations made by you and by the council and also those made by the Flamstead Parish Council. I inspected the site on 29 August 1984.
2. From my inspection of the site and its surroundings and the written representations made, I consider that the main issue is whether or not there are special circumstances sufficient to warrant an exception from the normal policy restrictions on development within the extended Metropolitan Green Belt.
3. On behalf of your client you explain that the application has arisen largely through the planning history of the site since 1967 and the development intention of the owner. In particular you contend that by virtue of the grant of planning consent for 8 houses in 1967, although in the event it was not fully implemented, residential development of the present appeal site was accepted. You submit that it seems against the spirit of village policy for the council now to refuse a smaller and more compact development that would be well-designed and would better complement the appearance of the street and character of the village than the previous proposal. Your client contends that the principle of allowing development as reflected in the earlier consent should not be disregarded but treated as having established a precedent for the residential development of the plot notwithstanding the restrictions of current local planning policies. In his view 2 sensitively designed houses built on this site within the designated core of the village would positively enhance the built environment.
4. I well understand your client's disappointment that permission should have been refused but it appears to me that circumstances have changed considerably since 1967 and I am unable to accept that the previous consent for a somewhat different form of development now apparently lapsed, which was given some 17 years ago and before the present Structure and District Plans came into effect, provides justification for an exception to the strict control policies over development within the Green Belt which they have established. Nor do I consider that the proposal can be justified as representing acceptable infilling within the village core since it has not been shown that the criterion of Policy 4 of the adopted Dacorum District Plan, namely that the development is for an essential use appropriate to the rural area, would be met.

5. I have taken into account all other matters referred to in the written representations but they do not outweigh the considerations which have led to my conclusion that this proposal would conflict with the established policy of strict control over new development in this village within the Green Belt and that the very special circumstances that need to be adduced to warrant an exception from the general policy are not present here.

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

A handwritten signature in dark ink, appearing to be 'E S FOSTER', written in a cursive style.

E S FOSTER
Inspector