

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



## DACORUM BOROUGH COUNCIL

To Mr G King  
Chad Lane Farm  
Chad Lane  
Flamstead  
Herts

Graham Seabrook Partnership  
1 Canning Road  
Harrow  
Middlesex  
HA3 7TS

Two storey side extension to form separate  
dwelling unit

at Chad Lane Farm, Chad Lane, 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 12 June 1988 and received with sufficient particulars on 5 July 1988 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 adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposal amounts to the construction of a new dwelling for which no agricultural need has been proven, and the proposed development is unacceptable in terms of this Policy.
2. Chad Farm occupies a prominent roadside location and the proposed development, by reason particularly of its flat-roofed design, would be an unsympathetic addition to the existing house to the detriment of the visual amenity of the area.

Dated 20 day of October 1988

Signed

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

## NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.

proposed extension is acceptable. The flat roof addition is very bulky and unattractive, bearing in mind the relative prominence of the site in relation to adjoining countryside and the footpath network. Although it is clearly designed to 'balance' a similar two storey flat roofed extension on the opposite side of the house, the present proposal is larger and if permitted would only further spoil the appearance of this house. A smaller extension incorporating a pitched roof would be more appropriate.

#### RECOMMENDATION

4/1290/88

✓ That planning permission be REFUSED (on form DC4) for the following reasons:

1. The site is within a rural area beyond the Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposal amounts to the construction of a new dwelling for which no agricultural need has been proven, and the proposed development is unacceptable in terms of this Policy.
2. Chad Farm occupies a prominent roadside location and the proposed development, by reason particularly of its ~~massing~~ ~~and~~ flat-roofed design, would be an unsympathetic addition to the existing house to the detriment of the visual amenity of the area.

4/1291/88

✓ That, subject to the receipt of written evidence justifying the need for the development, planning permission be GRANTED (on form DC3), subject to the following conditions:

1. This permission is granted for a limited period only expiring on 31 December 1990. At the expiration of this period the caravan/mobile home shall be removed and the use discontinued.
2. The caravan/mobile home shall only be occupied by the applicant's son and daughter-in-law.
3. The occupation of the caravan/mobile home shall be limited to a person solely or mainly employed or last employed locally in agriculture as defined in s.290 of the Town and Country Planning Act 1971 or in forestry, a dependant of such a person residing with him or her or a widow or widower of such a person.

compensation, the effect of which will be to limit the compensation otherwise payable on compulsory acquisition by requiring it to be assessed on the assumption that neither planning permission nor listed building consent under the Act would be granted for any works except to restore the building to a proper state of repair and to maintain it in such a state.

- (4) In assessing compensation for the compulsory acquisition of the said building any depreciation in the value thereof attributable to the listing of such building will, pursuant to Section 116 of the Act, be disregarded.
- (5) The effect of Section 115(2) of the Act is that after service of this notice demolition of the said building will not prevent compulsory acquisition of the site of the building, if the Secretary of State is satisfied that he would have made or, as the case may be, would have confirmed a compulsory purchase order in respect of the said building had it not been demolished.
- (6) Section 180(5) of the Act precludes a person on whom this notice is served from serving in respect of the said building a purchase notice under that section, until the expiration of three months beginning with the date of service of this notice, and if during that period the Council start the compulsory acquisition of the said building no such purchase notices can be served unless and until the compulsory acquisition is discontinued.
- (7) If a compulsory purchase order is made, notice thereof will be given (*inter alia*) to the owners of the said building and of any land comprised in the order, and if the said order includes an application for a **direction for minimum compensation** such notice will include a statement to that effect. Upon the service of the notice of the making of the compulsory order any person having an interest in the said building will be entitled within 28 days of the service of such notice to apply to a magistrates' court acting for the petty sessions area within which the said building is situated for an order staying further proceedings on the compulsory purchase order; and if the court is satisfied that reasonable steps have been taken for properly preserving the building, the court will make an order accordingly. If the compulsory purchase order includes an application for a **direction for minimum compensation** application may also be made to the said court within the said period of 28 days for an order that the council's application for such a direction be refused and if the court is satisfied that the said building has not been deliberately allowed to fall into disrepair for the purpose mentioned in paragraph 3 above, the court will make an order accordingly. Any person aggrieved by a decision of a magistrates' court on either of the applications described in this paragraph may appeal against that decision to the Crown Court.