

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

<p>To C Stafford Esq 4 Rayfield Ray Park Avenue Maidenhead Berks</p>	<p>Clark Partnership 127 High Street Rickmansworth Herts</p>
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<p>..... 3 No Detached Houses (Outline)</p> <p>.....</p> <p>at ... Land at Berkhamsted Place, Castle Hill, Berkhamsted</p> <p>.....</p>

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 13th October 1983 and received with sufficient particulars on 13th 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 referred to as being within the extension of the Metropolitan Green Belt in the Approved County Structure Plan 1979, and is shown as such as on the Proposals Map of the deposited Dacorum District Plan. Within the Green Belt, planning permission will only be given for use of land, for 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 site is not allocated for development in the Dacorum District Plan, in which adequate provision has been made to meet the housing needs of Berkhamsted up to 1991.

Dated 24th day of November 19 83

Signed *W. Barnard*
Chief Planning Officer

3. The proposal would constitute an extension of development on the skyline beyond well-defined northern boundary of Berkhamsted, and would be likely to affect adversely the trees on and adjacent to the site which are protected by a Tree Preservation Order.

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

Common Services

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GTN 2074

~~DMP~~
~~JOB~~
~~1043P~~

CHIEF EXECUTIVE OFFICER
13 SEP 1984
OPO 13/9

RETURN TO M.D. FOR COMMITTEE

Messrs K J Spelman and Associates
 7 Bownham Mead
 Rodborough Common
 STROUD
 Gloucestershire
 GL5 5DZ

Your reference	KJS/JO/38			
Our reference	Ref/APP/A1910/A/84/14740/R2			
C. Date	D.R.	B.C.	Admin.	File
11 SEP 84				
Received	13 SEP 1984			
Comments				

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY C STAFFORD ESQ
 APPLICATION NO:- 4/1305/83

- 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 3 detached houses on land at Berkhamsted Place, Castle Hill, Berkhamsted. I have considered the written representations made by you and by the District Council and also those made by the Berkhamsted Town Council and by other interested persons. I inspected the site on 16 July 1984.
- I note that the appeal site is within an area referred to as being within the extension of the Metropolitan Green Belt in the approved County Structure Plan 1979. The boundary of the Green Belt as defined in the adopted Dacorum District Plan is conterminous with the eastern boundary of the site and separates it from the existing built-up area at this edge of the town. As the site lies within the Green Belt as generally indicated in the Structure Plan and defined in detail in the District Plan I consider that the general policy presumption against development other than for agriculture and other special purposes appropriate to the Green Belt properly applies. It is not contended that the proposed dwellings are required for such specific purposes and in my opinion the decision on this appeal depends on whether or not there are special circumstances of sufficient substance to warrant an exception from the normal policy restrictions.
- On behalf of your client you point out that a layout for 9 houses on the appeal site and adjoining land to the east was approved by the council in 1974. Six houses have recently been built on the land to the east and the appellant is now asking for approval to a form of development that was approved in 1974.
- You submit that the inner edge of the Green Belt has been drawn too tightly in this locality and should instead follow the western boundary of the appeal site which you consider is a natural line marking the end of the woodland which extends to the west. In your view the proposed development would not have any detrimental impact on the woodland and the site is not one which it is necessary to keep permanently open for the purpose of the Green Belt. The proposed development would not be on the skyline and would not be noticeable from any medium or long distance vantage point. You would not expect any trees on the site to be felled for this development nor those adjacent to the site to be adversely affected. You suggest that the 3 houses would represent a well-related completion of the existing

6 houses in the cul-de-sac and that the proposal complies with advice contained in Circular 22/80 and the recently published Circulars 14/84 and 15/84 on "Green Belts" and "Land for Housing".

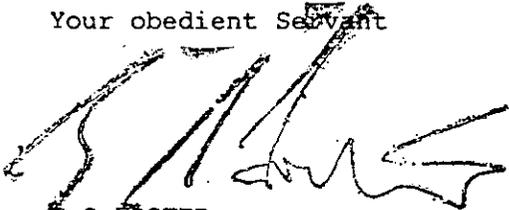
5. The council emphasise that the detailed Green Belt boundary has been defined in the adopted District Plan. They contend that careful consideration has been given to housing land availability and that there is no shortage in relation to future requirements. They do not accept your claim that paragraph 3 of Annex A to Circular 15/84 applies to this case nor that the site should be regarded as land which it is unnecessary to keep permanently open for the purpose of the Green Belt. They are firmly of the view that trees would need to be felled to accommodate the new houses which would be sited so close to other trees as to prejudice their continued existence.

6. I well understand your client's disappointment that permission should be refused for a further 3 houses alongside the 6 which have just been built on the Berkhamsted Place site but it seems to me that circumstances have altered considerably since 1974 when a layout for 9 houses was approved. Following the approval of the County Structure Plan strategy of growth restraint and the recognition in the District Plan that there is little need for land outside urban areas to satisfy requirements for new housing the council were rightly concerned in my view to draw the Green Belt boundary tightly around the built-up area at this edge of the town. I note moreover that your client's objection to the position of the boundary was considered at the local inquiry into objections to the District Plan in July 1981. The Inspector's recommendation was that no change should be made and the council accepted that recommendation. In my opinion it has not been shown that there is a lack of opportunities for residential development within the urban area to warrant altering this boundary and I see no good reason on present information to question again the inclusion of the appeal site within the Green Belt. The dividing line marks the end of the Berkhamsted Place houses and the beginning of an extensive tract of undeveloped land to the west and I agree with the view expressed by the council and several local residents that the appeal site, which itself contains several trees, together with the more densely wooded adjoining area constitute an attractive and valuable feature of the landscape on this edge of the urban area which should be preserved. Further building as proposed, for which I see no justification on grounds of special housing need, would undesirably intrude and detract from the present character and appearance of the area. My view is that some trees would be lost to make way for the houses and others would be likely to be threatened because of their unduly enclosing and overshadowing effect. I accept that the development for 3 houses only, need not in itself be very noticeable from a distance but that is not an exceptional reason for overriding the stringent policy presumption against development in the Green Belt; it could apply to many other would-be proposals for building beyond the urban boundary. I do not agree that a more enduring urban limit than the present one would be created. On the contrary a breach of the Green Belt boundary, if permitted here, would be bound to increase the pressure for similar encroachments at the vulnerable perimeters of the built-up areas which would be extremely difficult for the council to resist and could cumulatively erode the Green Belt and the established policy objectives.

7. I have had regard to all other matters raised in the representations but I do not find them of such relevance to the merits of this case as to affect my decision that the development proposed could not be allowed consistently with the established policy of constraint on new development in 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 in this case.

8. 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 large, stylized handwritten signature in dark ink, appearing to read 'E. S. Foster', is written over the typed name below.

E S FOSTER
Inspector