



**Department of the Environment and
Department of Transport**

Common Services

Room 1310 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 858

Switchboard 0272-218811

GTN 2074

Furlong Brothers (Construction) Limited
Creasey Park Drive
Brewers Hill Road
DUNSTABLE
Bedfordshire

11561

**CHIEF EXECUTIVE
OFFICER**

17 JAN 1985

Your reference					
LB/rc PLANNING DEPARTMENT					
DACORUM DISTRICT COUNCIL					
Our reference					
Ref. T/APP/A1910/A/84/016518/P2					
Date					
C.P.O.	D.P.	I.C.	C.	Admin	File
15 JAN 1985					
Received					
17 JAN 1985					
Comments					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/1306/83

1. I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum District Council, to refuse planning permission for residential development on land at the rear of 1-10 Old Watling Street, Flamstead, Hertfordshire. I have considered the written representations made by you and by the Council and also those made by the Highway Authority, Flamstead Parish Council and interested persons. I inspected the site on 17 December 1984.

2. The appeal site lies on the north side of the A5 trunk road, between the villages of Markyate and Flamstead. Old Watling Street is an unclassified rural lane, running roughly north-west/south-east parallel to the A5. There is an isolated ribbon of development along it which includes a row of 26 houses on the south side. The appeal site is situated at the rear of Nos 1-10, which are 5 pairs of semi-detached houses built in the late 1930's. An access to the proposed residential development would be constructed, between Nos 8 and 9, through the plot of No 8. The site comprises an area of about 1.1 ha (2.9 acres) of scrub and woodland that slopes down from Old Watling Street. It has a common boundary with the A5 of approximately 550 ft and a depth varying between 195 ft and 250 ft. On its north-west boundary the site adjoins the recently redeveloped Hertfordshire Moat House Hotel, which fronts onto the A5. Apart from the scatter of development along the A5 the surrounding area is open and predominantly rural in character.

3. On the Approved County Development Plan (1st Review) approved by the Secretary of State for the Environment in 1971 the appeal site lies within an area without notation. The Hertfordshire County Structure Plan, which came into operation on 15 October 1979, and which also forms part of the statutory development plan, makes provision in Policy 2 for development in the Metropolitan Green Belt, and from the description of the northern boundary given in that policy, it is clear that the appeal site falls outside the extended Metropolitan Green Belt. In the Dacorum District Plan, adopted by the District Council on 25 January 1984 the general policy on development in the District as a whole, including the rural areas beyond the Metropolitan Green Belt, is one of a presumption against further growth.

4. From my inspection of the site and surroundings and the representations made I am of the opinion that the main issues are whether there are any exceptional circumstances, which would justify overriding the policies currently applicable in this area of general restraint on development, and whether the traffic generated by the proposal would be likely to add to highway hazards in the vicinity.

5. Old Watling Street at present serves about 33 dwellings and although considered to be lightly trafficked by the Highway Authority, local residents, as it appears from their letters, frequently find traffic conditions unsatisfactory and potentially dangerous. The road is only 3.0 m wide for most of its length with no footways and the south-east junction with the A5 is particularly poor. In these circumstances and in view of the County Council's policy, for financial and environmental reasons, not to improve rural roads such as Old Watling Street I consider that the appeal proposal, for a development of about 26 dwellings, would significantly increase the traffic using this substandard road to an unreasonable extent and that highway safety would be prejudiced as a result.

6. You describe the appeal site as being derelict and not used for agricultural purposes, its last known use being for occasional grazing. It seemed to me, however, to be a pleasant open piece of land, with trees and scrub, that provides useful screening to the houses along Old Watling Street as well as helping to break up the development on the A5, so that the rural appearance of the area is preserved. Although quite attractive in design and layout, I do not accept that a scheme of the type illustrated in the submitted plans would improve the appearance and character of the area. In my opinion it would be too urban in character, more suitable as infill in a village than in this open rural setting.

7. Having carefully considered your arguments for the proposed development I am not convinced that the scheme would provide housing of a type that is particularly needed in this rural area, which cannot be met on more suitable sites elsewhere in the District, nor that the character of the area would be unaffected. In my view, the proposal, by adding to what is at present an isolated group of dwellings in primarily open countryside, would intensify the existing development in a way that would be seriously detrimental to the rural character of the area. I am satisfied that there are no exceptional circumstances in your case, that would justify setting aside the established rural policies restricting development in the area.

8. I have taken into account all the other matters raised but I am of the opinion that they are outweighed by the considerations that led me to my decision.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

I am Gentlemen
Your obedient Servant

Helan Grogan

MRS H GROGAN DipArch Architect
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Furlong Bros. (Construction) Limited
Creasey Park Drive
Brewers Hill Road
Dunstable

..... Residential development (outline)

.....

at Land off Watling Street (rear of 1-10 Old Watling
Street) 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 Undated 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 without notation on the County Development Plan and in an area referred to 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) The proposed development would result in the increased use of a narrow lane and sub-standard junction and give rise to conditions prejudicial to highway safety.

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.