

# Dacorum Borough Council Planning Department

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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01308/95/AAD

MISWELL LANE/OKEFORD DRIVE (LAND AT) FORMERLY PART OF  
OSMINGTON SCH.PLAYING FIELD TRING  
APPLICATION FOR CERTIFICATE OF APPROPRIATE ALTERNATIVE  
DEVELOPMENT

Your application for a certificate of appropriate alternative development dated 10 October 1995 and received on 11 October 1995 has been **GRANTED**, subject to any conditions set out overleaf.

Development Control Manager

Date of Decision: 29 April 1996

**CONDITIONS APPLICABLE TO APPLICATION: 4/01308/95/AAD**

**Date of Decision: 29 April 1996**

**NORTHGATE  
DOCUMENT STAMPED  
TO ENSURE DETECTION  
BY SCANNER**

4/1308/95

Land Compensation Act 1961 Part III, Section 17 Certification  
of Appropriate Alternative Development

Land Compensation Development Order 1974 (No. 539)

CERTIFICATE OF APPROPRIATE ALTERNATIVE DEVELOPMENT IN RESPECT OF  
LAND AT MISWELL LANE/OKEFORD DRIVE, TRING, HERTFORDSHIRE (AS  
DEFINED IN THE ATTACHED PLAN SUBMITTED WITH THE APPLICATION  
DATED 10 October 1995)

1. The opinion of the Local Planning Authority regarding grant of planning permission in respect of the land in question, if it were not proposed to be acquired by an authority possessing compulsory purchase powers, is that:

Planning permission would have been granted for any development for private open space purposes but would not have been granted for any other development.

2. The reasons for this decision are set out below as an informative to all interested parties:

- (i) The presence of this open area in the centre of Tring contributes significantly to the urban structure and character of the Town.
- (ii) The site forms part of an open area within the town, which has significant amenity value to the general public and adjoining residents. It abuts land with general public access and crossed by a public footpath.
- (iii) Any built development on the site would cause significant intrusion into the centre of a large block of open grassland destroying its overall integrity and damaging the amenities of the remaining adjoining open areas. The site is

positioned in such a way as to cause visual severance of two existing public open spaces which should properly be linked.

- (iv) There is a general deficiency of open space which has good access to adjoining residential areas and is contained within the main urban area of Tring. Open space in such a location is irreplaceable.
- (v) Retention of this open area has been planned into the development of the Town from the early 1950s.
- (vi) Whilst the Development Plan itself cannot be taken as the underlying justification for the decision on this Certificate, the above reasons why the land should stay in an open state have been consistently reflected in the long-standing Development Plan designations on the site. The long-standing private open space use reflects the planning designation and history of the site.. It is important to note as background, that a past planning decision refusing the alternative of built development on the majority of the site was accompanied by a payment of compensation for diminution of private land value to the land owner (reference should be made to Dacorum Borough Council planning reference W/735/1954 and to planning and compensation law as then current).
- (vii) Road access to built development in this location is problematic. Access from Miswell Lane would result in crossing of the existing public open space. Access from Okeford Drive, or from the Osmington School development would be severely restricted by highway design constraints and could also result in damage to the (Tree Preservation Order) protected tree screen on the north-eastern boundary of the site. Removal of this tree screen, or damage to it, would seriously impair the visual

quality of any remaining open space, as the trees provide a natural boundary between the residential area and the open land.

3. Should any interested party dispute the terms of this Certificate they are entitled to appeal to the Secretary of State for the Environment against the Certificate.

The Appeal procedure is set out in S.18 of the Land Compensation Act 1961, and the Land Compensation Development Order 1974 (No. 539) Article 4.

In summary the procedure is:

- (i) Either the person with an interest in the land or any authority possessing compulsory purchase powers and proposing to acquire the land can appeal.
- (ii) The appeal must be made within one month of receipt of the Certificate.
- (iii) Notice of appeal must be served in writing on the Secretary of State and copied by the appellant to the other party and to the Local Planning Authority.
- (iv) The appellant must forward a copy of the original Certificate application and the Certificate itself with a statement of grounds of appeal to the Secretary of State within one month of giving notice of appeal. If this is not done the appeal is treated as withdrawn.
- (v) The Secretary of State will consider the appeal and either confirm, vary or cancel the Certificate.

- (vi) The Secretary of State will offer both parties and the Local Planning Authority a hearing before an appointed person.

Panel N066

✓ Colin Barnard  
Director of Planning

Date: 29 April 1996