

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. M. Garforth-Bles,
Darfield,
Shootersway,
BERKHAMSTED,
Herts.

Mr. R. J. Aitchison, F.R.I.C.S.,
154 High Street,
BERKHAMSTED,
Herts.

10 Houses (Outline)

at Darfield, Shootersway, Berkhamsted.

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
12th October, 1978, and received with sufficient particulars on
16th October, 1978, and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

The site is within the Chilterns Area of Outstanding Natural Beauty as defined in the approved Development Plan and is similarly defined in Hertfordshire 1981 Planning Objectives and Policies, where it is intended to permit only such development as would be appropriate within the neighbouring Metropolitan Green Belt. Within the approved Green Belt it is the policy of the Local Planning Authority not to permit development unless it is essential for agriculture or other genuine Green Belt purposes, or unless there is some quite outstanding reason why permission should be granted. No such need or special circumstances are apparent in this case. Furthermore, the proposed development does not comply with Policy 2 of the submitted County Structure Plan Written Statement in which it is the Local Planning Authority's policy to retain a green belt extending over the whole of the rural county wherein there is a general presumption against development which will only be accepted whether for the construction of new buildings or the change of use or extension of existing buildings, when the development is essential in connection with agriculture or clearly needed for recreation or other use appropriate to the rural area concerned.

Dated 7th day of December, 1978.

Signed

Designation Director of Technical Services.

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, Whitehall, London, S.W.1.) 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.



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Mr P J Fountains
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CHIEF EXECUTIVE
OFFICER
- 6 AUG 1980

Your reference

Our reference

T/APP/5252/A/79/5057/G6
Date

- 4 AUG 1980

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR M GATFORTH-BLES
APPLICATION NO:- 4/1351/78

1601

1. I refer to your client's appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for 10 houses on land at Darfield, Shootersway, Berkhamsted. I have considered the written representations made by you, the council, the parish council and several interested persons. I inspected the site on Monday 30 June 1980.
2. From my inspection of the appeal site and surroundings and from the representations made, I am of the opinion that the main issue is whether the proposed 10 houses would be an appropriate form of infilling or other development among the existing adjacent dwellings, having regard to the council's green belt policies for the area and the effect of the proposed development on the appearance and character of the surroundings.
3. The appeal site is situated on each side of Darfield, your client's house which is at the junction of Darr's Lane and Shootersway, and it lies amid 3 groups of houses. A frontage of about 140 ft of the appeal site separates Darfield from a row of about 17 houses on the north-west side of Darr's Lane and a frontage of about 210 ft of the appeal site separates that house from a row of 5 houses in The Larches, a service road on the north-east side of Shootersway. The third group of about 6 houses is situated on the south-west side of Shootersway, directly opposite Darfield and the junction of Darr's Lane.
4. I do not consider that this general area of about 30 dwellings is closely related to the nearby settlements, because the nearest part of the fringe of Berkhamsted is about 800 yds away to the south-east and the nearest part of the fringe of Northchurch is about 250 yds to the north-east, but in the valley at a considerably lower level. Neither do I regard these 30 dwellings as a settlement, because they are more in the nature of 3 scattered areas of housing, mainly ribbon in form. Most of them line one side of the road facing open countryside and they spread for a distance of nearly 700 yards from one end to the other.
5. Although I note that it is only the area north-west of Darr's Lane and its continuation that is in the Chilterns Area of Outstanding Natural Beauty, I consider that in this locality there is little to distinguish that part from the character of the area to the south-east. Despite the nearby trees and hedges, the dwellings in the vicinity of the appeal site are visible for some distance around in the fairly level and open surroundings. Although the proposed development would not be seen as

extending the outward limits of that area of dwellings, their resulting appearance, particularly of those in the paddock between Darfield and The Larches, would be noticeable. This would not only be due to the buildings themselves but also to the creation of the access roads and the necessary sight lines. As I do not regard this area of dwellings as a settlement in which infilling would normally take place, I do not consider that its consolidation with 10 dwellings is appropriate, particularly as it is situated in an area where the council are exercising green belt policies. In this connection, I note that none of the nearby dwellings have been permitted since 1964 and that nearly all of them were built either before planning control existed or because they were first permitted for persons working locally in agriculture or the nearby brickworks.

6. I accept that the appearance of the surroundings is marred, to some extent, by the nearby brickworks, but I do not regard this a sufficient reason in support of the proposed development, particularly as the brickworks are no longer operating and the buildings are separated from the appeal site by trees and an area of open grassland. Similarly, although it is stated that the proposed new relief road would affect the character of the surroundings if it were routed between the appeal site and the fringe of Berkhamsted and Northchurch, I consider that it would then have the effect of further isolating the appeal site from those settlements. I also compared the likely effect of the proposed development with that of the recent housing development at Coppins Close and Oak Wood. Although the dwellings on those 2 sites are visible from their open surroundings, I do not consider that they are directly comparable with the appeal site because they are both on the fringe of the existing developed area of Berkhamsted, and not detached from it like the appeal site.

7. I have taken into account all the other matters in the representations. These include the difficulty which is being experienced by your client in maintaining the extensive grounds of Darfield and the benefit that the proposed sewer would provide to the existing houses in the vicinity, but I am of the opinion that all these matters do not outweigh the considerations that led me to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your client's appeal.

I am Sir
Your obedient Servant

D. J. Tuckett

D. J. TUCKETT ARICS MRTPI
Inspector