

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

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Finlinson Properties Ltd.,  
144 Victoria Street,  
St. Albans,  
Herts.

Residential development - 53 houses, 2 flats  
and 55 garages  
at The Mill, Waterside, Kings Langley

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 17th August 1979 and received with sufficient particulars on 22nd August 1979 (and as amended 12.11.79) 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 lies partly within the Metropolitan Green Belt and the construction of an access road for residential purposes would be contrary to policy and have an adverse effect on that area.

Dated 15th day of November 1979

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.



# Departments of the Environment and Transport

Eastern Regional Office

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11 Feb / 21/11/11  
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4) McKelvey

B White Esq ARICS  
Director  
Finlinson Properties Limited  
144 Victoria Street  
St Albans  
HERTFORDSHIRE  
AL1 3JX

FILE  
No.

DATE

Your reference

BW/ck/F.Prop.16.3

Our reference

APP/5252/A/79/11856

Date

1262

27 MAY 1980  
EXECUTIVE

Sir

28 MAY 1980

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36  
APPEAL BY FINLINSON PROPERTIES LIMITED  
APPLICATION NUMBER 4/1359/79

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mr D F Binnion BSc, CEng, MICE, DipTP, MRPI who held a local inquiry into your company's appeal against the decision of the Dacorum District Council to refuse planning permission for the construction of 22 detached and 31 terrace houses and 2 flats with 55 garages on land at the Mill, Waterside, Kings Langley, Hertfordshire.

A copy of the report is enclosed.

2. The Inspector said in his conclusions:

"I consider that the main issue in this case is whether the proposed access road would give additional benefits to the visual amenities of the area and improve road safety to an extent which would justify the use of the land lying within the Metropolitan Green Belt, having regard to the 2 planning permissions already granted for housing development on the main body of the appeal site with access alongside Number 20 Gade Valley Close. Although the proposed access road would have a belt of trees along its northern side, similar tree screening would be provided with the 2 access layouts already approved. The proposed road has a curved alignment and whilst in my opinion this would improve the appearance of the street scene to some extent and be more satisfactory visually than a generally straight road, I am not persuaded that the proposal would give a marked improvement in visual amenities to an extent which justifies the incursion into the Green Belt.

The appellant considers that the construction of another house alongside Number 20 Gade Valley Close would help to close the street scene. I consider however that the view along Gade Valley Close would be closed in a visually satisfactory manner by the housing development on the eastern side of the appeal site. In my opinion therefore the proposal would not give any significant improvement to this street scene.

When viewed from the A41 to the north, in my judgment there would be little difference in the appearance of the landscape between the present proposal and the access roads already approved. In my opinion the proposed curved screen of trees would undoubtedly improve the view of the pig and poultry farm from both Gade Valley Close and the new residential development on the appeal site, but I consider that the belt of trees which would be planted in either of the 2 approved schemes would benefit the visual amenities of the area to an almost equal extent.

The proposed access road has sight lines and radii at its junction with Gade Valley Close which satisfy the requirements of the Highway Authority. However the access roads alongside Number 20 Gade Valley Close on the 2 schemes with planning consent have also received the approval of the Highway Authority albeit with smaller radii and reduced sight lines when compared with the present proposal. I find no evidence however to suggest that the approved layouts present serious hazards to traffic. Under these circumstances I consider that the utilisation of Green Belt land to provide an access route with radii and sight lines of a higher standard than those on the 2 schemes for which planning permission has been granted would not be justified".

The Inspector recommended that the appeal be dismissed.

3. The Secretary of State agrees with the Inspector's conclusions and accepts his recommendation. Therefore he hereby dismisses your company's appeal.

I am Sir  
Your obedient Servant

L G CLIFFORD

Authorised by the Secretary of State  
to sign in that behalf

## RIGHT TO CHALLENGE THE DECISION

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given.

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No 419), which relate to the procedure on cases dealt with by the Secretary of State.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

## RIGHT TO INSPECT DOCUMENTS

Under the provisions of rule 13(3) of the Town and Country Planning (Inquiries Procedure) Rules 1974 any person entitled to be notified of the decision given in the accompanying letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, or the supply to him of the Inspector's report, whichever is the later, for an opportunity of inspecting any documents, photographs and plans appended to the report. Such documents etc are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days' notice should be given, if possible.