

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

Other

Ref. No. ....

THE DISTRICT COUNCIL OF .....

DACORUM

IN THE COUNTY OF HERTFORD .....

To Miss D. C. Barnard,  
Field Farm,  
Green Lane,  
Markyate,  
HERTS.

One Dwelling

at Field Farm, Green Lane, Markyate.

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 19th December, 1977, and received with sufficient particulars on 19th December, 1977, 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 without notation on the County Development Plan where there is a presumption against further development unless it is essential in connection with agricultural or other special purposes - no justification has been proven in this case to warrant a departure from this principle.

Dated 26th day of January, 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.



# Department of the Environment

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Miss D C Barnard  
Field Farm  
Green Lane  
MARKYATE  
Hertfordshire

Your reference

Our reference

T/APP/5252/A/78/06458/G6

Date

27 NOV 1978

Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO:- 4/1363/77

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a dwelling on Field Farm, Green Lane, Markyate. I have considered the written representations made by you and by the District and Parish Councils, and I inspected the appeal site on 30 October 1978. As a result of this, it is clear to me that your case turns on the position of the site in these surroundings and on the need for a bungalow there.

2. With one exception, the dwellings near you were either put up years ago before planning permission was necessary or were connected with smallholdings; and the exception is "Ashtons", which was erected in place of an existing sub-standard dwelling. This is quite understandable, because Green Lane is in the open countryside some distance from Markyate, the nearest village, and I do not consider it would normally be a suitable place for a house or a bungalow even if it were not in a proposed Green Belt (and I see no reason why it should not be so included until a decision is made on Green Belt proposals as a whole).

3. I must now, therefore, consider whether there are sufficient reasons for a special exception to be made in your case, such as was made earlier for "Zelldene" on a 5½ acre smallholding and "Greenfield" on 6½ acres. These were presumably granted at that time because in each case it was considered that the land available was likely to provide at least one person, working full-time, with a reasonable living, and help in the production of the food the Country needed.

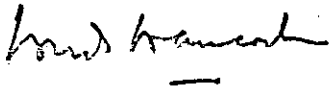
4. On the other hand, you have less than an acre and I did not get the impression from what you wrote or from what I saw in the course of my inspection that your holding was likely to produce as much as an agricultural worker's minimum wage - and the additional amount needed to maintain, let alone improve, the holding. So it is clear to me that the erection of a new bungalow on the site now could not be justified.

5. I saw that you had some calves, goats and geese in addition to your horses and I realize how much work there must be in looking after them; but my duty is to ensure that your personal needs are not provided for at the expense of the Country as a whole.

6. In the past, dwellings have all too often been built in the countryside on smallholdings which have later been given up, leaving the dwellings (often sold off at considerable profit) standing in unsuitable places for many years to come. I fully realised from my inspection that you have nothing like this in mind. But I am sure you appreciate how many people there are who would like to set themselves up in the countryside like you, and who might or might not succeed in making a living; and if you were to be granted permission now, it would not be fair to refuse them permission in their turn. This is the reason why the present rules have to be strictly enforced; otherwise people's private homes would soon be dotted about all over what remains of our countryside.

7. I have taken account of all the other matters raised in your written representation but I find they are outweighed by those that have led me to my decision. Hence, for the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Madam  
Your obedient Servant



H W B HANCOCK MC MA(Cantab)  
Inspector