

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

Other

Ref. No. ....

THE DISTRICT COUNCIL OF ..... DACORUM .....

IN THE COUNTY OF HERTFORD .....

To P.A. Fitzpatrick, Esq.,  
Flat 1,  
98/99 Jermyn Street,  
LONDON SW1.

Messrs. Fuller Hall & Foulsham,  
53 Marlowes,  
HEMEL HEMPSTEAD,  
Herts.

One dwelling (outline)

at .. land adjacent to Cottonwoods, Golf Club Drive, ..  
Ashridge.

Brief  
description  
and location  
of proposed  
development.

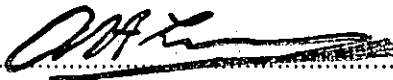
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated ..... 2nd September 1980 ..... and received with sufficient particulars on ..... 9th September 1980 ..... 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 within the Chilterns Area of Outstanding Natural Beauty on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) 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 affect adversely visual amenities and detract from the character and natural beauty of the area.

Dated .... 23rd ..... day of .. October ..... 1980 .....

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**

Room 1411

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 918  
Switchboard 0272-218811  
GTN 2074

Messrs Keene Marsland and Co  
Solicitors  
52 Mark Lane  
LONDON  
EC3R 7PD

Your reference

JTN/FM

Our reference

T/APP/5252/A/81/4001/G5

Date

28 OCT 1981

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR P A FITZPATRICK  
LOCAL PLANNING AUTHORITY APPLICATION NO:- 4/1363/80

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for the erection of one dwelling in the grounds of Cottonwoods, Golf Club Drive, Ashridge. I held a local inquiry into the appeal and inspected the site on 13 October 1981.
2. The plan accompanying the application before me in this appeal showed only the outline of the 2.2 acres appeal site in the 6.2 acres of the grounds of the substantial house Cottonwoods. It accordingly appears to me that details of the siting, design and external appearance of the dwelling, and the means of access thereto, and the landscaping of the site, properly fall to be treated as reserved matters in this case for subsequent approval by the local planning authority.
3. The appeal site is located amongst a very loose scatter of substantial houses in an extensive area of woodland on high ground in the Chiltern Hills. The area in which the appeal site is located forms part of the area of about 3,500 acres of Ashridge Park which I understand has been owned and administered by the National Trust since the late 1920's.
4. From the representations made at the inquiry, and the letters received from interested parties, and my inspection of the appeal site together with its surroundings, I am of the opinion that a decision in this case turns primarily on whether or not the proposed development would relate satisfactorily to its surroundings and the rural character of the area generally, in an area where special concern is felt for the need to prevent urban sprawl and for the protection of the natural beauty of the countryside.
5. As a starting point I have considered the proposed development against the background of the policies and proposals of the First Review of the Hertfordshire Development Plan and the Hertfordshire Structure Plan which together form the approved Development Plan for the area in which the appeal site is located pending the final coming into operation of the Dacorum District Plan. This District Plan is now nearing its final stages before formal adoption by the local planning authority. I am accordingly of the opinion that the policies of the District Plan should be accorded due weight particularly as they carry forward and reinforce the policies of the Structure Plan.

6. The appeal site is located in an area to which Green Belt policies have been applied since the early 1960's when the First Review of the Hertfordshire Development Plan was submitted. These Green Belt policies are carried forward in both Policy 2 of the approved Structure Plan and Policy 2 of the District Plan, and apply a presumption against general building development in the area in which the appeal site is located, notwithstanding the fact that it is outside the outer limits of the extended Metropolitan Green Belt. I find no reason to question the exclusion of the isolated and loose scatter of houses in Ashridge Park from the list of villages beyond the Metropolitan Green Belt in which small scale residential development may be permitted in terms of Policy 5 of the District Plan. Moreover, I consider the erection of a dwelling on the appeal site would not conform with the criteria in this Policy 5 against which any such development will be assessed. In particular I do not accept that the proposed development would constitute infilling within the normal meaning of this term which relates to the filling of a small gap in an otherwise built-up frontage.

7. I find that the appeal site and Ashridge Park have been included in the Chilterns Area of Outstanding Natural Beauty since 1964 and, in addition, they are designated as part of an area of Great Landscape Value in the Structure Plan and the District Plan. In my opinion the erection of a dwelling on the appeal site, irrespective of where it was sited, would inevitably give rise to substantial clearing of the substantial trees on the site in order to provide adequate sunlight to the dwelling and its garden. I consider any such clearance and the intrusion of a new dwelling into this area of woodland, however carefully designed and landscaped, would cause material harm to the natural beauty and rural character of the area generally. Moreover I attach importance to the guidelines in Development Control Policy Note 4, to which my attention has been drawn by the council, that the fact that the new dwelling "might not be very noticeable is not by itself a good argument for permission". Whilst only the 2 mature beech trees on the appeal site may be of commercial timber value, the other mixed species of deciduous trees including oak, contribute materially to the woodland character of the area and I consider their loss would harm the natural beauty of the area generally contrary to Policy 21 of the Structure Plan and Policy 23 of the District Plan under which the preservation of the beauty of the area is the prime consideration.

8. I have considered the proposed development against the guidelines in Circular 22/80 to which my attention has been drawn on behalf of your client. These guidelines however make it clear that long standing national and local policies, which guard against inappropriate development in areas of outstanding natural beauty and green belts, will not normally be set aside. I am not persuaded that the housing needs of the area generally are of sufficient strength to overturn the compelling planning objections to the proposed development in this case. In my opinion these compelling planning objections should prevail.

9. I have taken into account all other matters raised at the inquiry, including the question of precedent. In this connection I find nothing in the application before me to distinguish it from applications which could be made for the erection of a dwelling on the eastern part of the curtilage of Cottonwoods or indeed in the other large curtilages of the houses in Ashridge Park. In my opinion none of the other matters raised at the inquiry are of sufficient strength to outweigh the considerations that have led to my decision.

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

I am Gentlemen  
Your obedient Servant

  
W D WOODALL FRICS FRTPI  
Inspector