

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr H Welham
11 High Wood Close
Luton
Beds

One dwelling (Outline)
.....
at 23-25 Dammersley Close, 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 18 July 1988 and received with sufficient particulars on 19 July 1988 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 a rural area beyond the Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use 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 proposal is not supported by evidence of local need sufficient to satisfy Policies 4 and 5 of the adopted Dacorum District Plan and as the proposal is not sited within the approved village core the development cannot be considered as infilling in conformity with Policy 5.

Dated 20 day of October 1988

Signed 

SEE NOTES OVERLEAF

P/D. 15

Chief Planning Officer

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.

Seven letters of representation and a petition have been received outlining these main points:

1. Destruction of long established and attractive trees
2. Impact on the appearance of the countryside
3. Concern over precedent - consent will lead to other houses being constructed.
4. Request for a Tree Preservation Order
5. Septic tank proposal arouses concern of smell or overspill

CONSIDERATIONS - Policy 52 of the County Structure Plan Review states that within rural settlements beyond the Metropolitan Green Belt, "...settlements may be selected in District local plans where development may be permitted subject to the proposed development being (a) compatible with the maintenance or enhancement of the character of the settlement and (b) consistent with the other policies of this plan.....". Whilst this Council has not yet formally adopted Markyate as such a settlement in a revised local plan, the acceptance of the former Nabisco site for residential development contrary to policy has led to minor development within the heart of the village being given more favourable consideration.

Notwithstanding, the application site cannot be considered as an infilling plot within the heart of the village. Open countryside surrounds the plot on three sides and the site is clearly beyond the acceptable village limits. Bearing this point in mind, the application must be dealt with by consideration of Policies 2, 4 and 5 of the District Plan relating to specific need. However, no supporting evidence has been submitted with the application to suggest a reason for departure from adopted policy.

✓ RECOMMENDATIONS - That planning permission be REFUSED (on form DC4) for the following reasons:

1. The site is within a rural area beyond the Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use 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 proposal is not supported by evidence of local need sufficient to satisfy Policies 4 and 5 of the adopted Dacorum District Plan and as the proposal is not sited within the approved village core the development cannot be considered as infilling in conformity with Policy 5.