

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF OUTLINE
 IN THE COUNTY OF HERTFORD

To P. Sadler, Esq.,
 Ivy Todd,
 Northchurch Common,
 BERKHAMSTED,
 Herts.

Bungalow

 at Brickett, Northchurch Common, 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 17th September, 1980, and received with sufficient particulars on 22nd 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:—

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.

Dated 13th day of November, 19 80...

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.

2) TW TO REG.
3) JLC
4) TEAM 2



Department of the Environment

Room 13/20

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

RETURN TO MR FOR

COMMITTEE REPORT

Direct line 0272-218 870

Switchboard 0272-218816

GTM 2074

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ref. To

CPO

Ack.

C.P.O.

D.P.

P.C.

B.C.

Admin.

File

Comments

Your reference

SECRETARY NOTIFIED
14.7.81 JVV

Our reference

T/APP/5252/A/81/03914/G6

Date

110 JUL 1981

CHIEF EXECUTIVE

Peter Sadler Esq
Ivy Todd
Northchurch Common
BERKHAMSTED
Hertfordshire

13 JUL 1981

Sir

3325

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO. 4/1419/80

1. I refer to this application, which I have been appointed to determine, against the refusal by the Dacorum District Council of planning permission to demolish the existing timber bungalow at "Brickett", Northchurch Common, near Berkhamsted, Hertfordshire, and to replace the same with a brick built bungalow, as stated in the above numbered application, together with the plans submitted therewith, dated 17 September 1980. I have read the written representations made by the District and Northchurch Parish Councils, yourself and a number of interested persons, and visited the site on 17 June 1981.
2. In my view, the issue to be decided is whether or not the planning policies applicable to the appeal site and its immediate neighbourhood, contained mainly in the approved Structure Plan for Hertfordshire, justify the substitution of a modern brick built bungalow for the present wooden structure.
3. You state that in 1977 you bought both "Ivy Todd", the bungalow and garden which forms your present home, and "Brickett", the other bungalow on the adjoining plot, which is now the appeal site. Having improved and extended "Ivy Todd", you now wish to improve "Brickett", by demolishing the present structure, a disused railway carriage, and constructing a modern dwelling. Your first application to do this, dated 20 March 1980 (No. 4/0462/80) was refused on 8 May 1980, so, having discussed your proposals informally with the staff of the District Council's Planning Department, you submitted another application (No. 4/1419/80) on 17 September 1980 which was refused on 13 November 1980; as a result you have lodged the present appeal. You have a severe personal and family problem, as your aged mother, who lives with you, is partially sighted, and is now registered as blind; a modern bungalow on the site of the present structure would provide a suitable nearby home to your own, where she could continue to live an independent life. You find it hard to understand why current planning policies, given as the District Council's reasons for refusing you permission, appear to forbid the building of a new dwelling, except for very limited purposes, when a bungalow already actually exists on the very site. To your mind, demolition and reconstruction would be the most desirable and sensible means of redeveloping the site. The fruits of your discussions with officials in the Council's Planning Department outline on pages 2 and 3 of your letter to them dated 17 September 1980 4 options:-

A. Fully to refurbish and bring up to acceptable modern standards the present structure;

B. to carry out the work in (A) above and additionally to clad the frame with bricks, fitting new windows and doors and adding a pitched roof;

- C. to extend the cubic capacity of the present building by the maximum tolerance as permitted development under the General Development Order; and
- D. to remove the existing railway carriage-cum-bungalow and build a modern bungalow with a shallow pitched roof in alignment with the 2 neighbouring bungalows, one on either flank.

Courses (A) to (C) you could implement forthwith, needing no permission, but you would prefer the more rational course, (D), if it were at all practicable, as it would produce a much better result, not merely from the viewpoints of your mother and yourself, but also from that of the wider community; it would be more sightly, and adapt better to the neighbourhood.

4. Dacorum District Council recite the history of the 2 planning applications for "Brickett", the appeal site, and refer to the Approved Structure Plan for Hertfordshire, notably Policy No. 2, stating the importance of maintaining a Green Belt within which development would be allowed only for certain limited purposes, mainly agriculture, small scale facilities for participatory sport, and "other uses appropriate to a rural area". The Dacorum District Plan defines the Green Belt area to include Northchurch Common, and, therefore, the appeal site. Moreover the neighbourhood of the Common lies within the Chiltern Hills Area of Outstanding Natural Beauty, which was designated in 1964, so imposing certain further restrictions upon development. Policy No. 21 of the Structure Plan, section (vi) states that the area is not to be regarded as available for development and subordinates both communications and development to the basic theme of natural beauty. Policy No. 23 of the Dacorum District Plan echoes this stress on the natural beauty of the landscape, as does Policy 9, which applies to Amenity Corridors - Northchurch Common is within one such - by limiting development to agriculture, forestry or leisure purposes. Moreover, the appeal site is merely 50 m away from an area designated by the District Plan as of Natural History Interest. As regards the structure on the appeal site, the Council deny that it has been used as a dwelling, save for a short period starting in 1947. Until 4 or 5 years ago the structure was used as an additional bedroom for "Ivy Todd", and it is now used purely for storing furniture. In their eyes its residential use has long since been abandoned. The Council appreciate your natural concern to look after your aged mother, but cannot treat this as justifying the waiver of the many restrictions upon development here. Northchurch Common is an area of sporadic development, and, in planning terms, is an anomaly. To allow this appeal would create a damaging precedent for the future.

5. A number of interested persons, neighbouring owners/occupiers, have objected, as have the Northchurch Parish Council and the National Trust, who own a large tract of land nearby. They generally quote the designation as an Area of Outstanding Natural Beauty, and fear the creation of a dangerous precedent, which would result in undesirable encroachments and developments in this sensitive district.

6. Having inspected the site and the surrounding area, I have also been impressed by the natural beauty and seeming remoteness of Northchurch Common. The rationality of your arguments for demolishing the present substandard structure and substituting a decent modern dwelling cannot easily be countered, and there are elsewhere other, unhappy instances to be seen of the results of following courses (A), (B) and (C) listed above. However such options are available and cannot be denied; quite clearly the present building appears to constitute a separate dwelling, and there is not enough evidence to establish that that use has been abandoned. The one, seemingly logical, course, (D), which you favour is, however, forbidden by an array of current planning policies, whose reasoning on a broader scale than merely the appeal site and its immediate environs, is very hard to refute. In the circumstances, despite the personal predicaments of your aged mother, your family and yourself, I am afraid that the appeal must fail.

7. I have taken into account all the written representations made by the District and Parish Councils, yourself, the National Trust and the other interested persons, but to the best of my knowledge and belief, the relevant factors in my decision appear in paragraph 6 above.

8. Accordingly, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant

Michael B. Buck.

MICHAEL B BUCK
Inspector