

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To R Foster
20 Hillingdon Hill
Hillingdon
Middlesex

A M Frame
ADS Building Services
333A Uxbridge Road
Rickmansworth
Herts

Erection of two detached dwellings (Outline)

at ... Flaunden Lane/Venus Hill, Flaunden

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 1 August 1988 and received with sufficient particulars on 3 August 1988 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 Metropolitan 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.

Dated 29 day of September 19 88

Signed.....

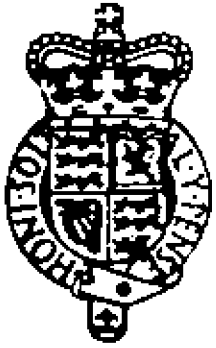
SEE NOTES OVERLEAF

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.



**Department of the Environment and
Department of Transport**

Common Services

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CHIEF EXECUTIVE
OFFICER

17 APR 1989

Refer to

Clear

Mr A M Frame
ADS Building Services
333A Uxbridge Road
Mill End
RICKMANSWORTH
Hertfordshire WD3 2DT

Your reference		88/283		Dacorum Borough Council	
Our reference		T/APP/A1910/A/88/107783/P4			
Ref.	Date	DP	13 APR 89	Admin	File
C.P.O.	T.C.P.M.	DP			
Received			17 APR 1989		
Comments					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR ROBIN FOSTER
APPLICATION NO: 4/1469/88

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of 2 detached dwellings at Flaunden Lane/Venus Hill, Flaunden, Hertfordshire. I have considered the written representations made by you and by the council and also those made by Bovington Parish Council and interested persons. I inspected the site on Friday 10 March 1989.
- The 2 appeal sites, each of which is said to be approximately 850 m² are parts of a larger piece of land which is described as a nursery some 2 hectares (4.95 acres) in area located on the east side of Flaunden Lane between its junctions with Venus Hill and Water Lane. Access to the 2 sites is apparently intended to be from a point near the southern end of the nursery's frontage on Flaunden Lane and will be achieved by altering the existing field type access to the area.
- The appeal sites and the nursery itself lie within the London Metropolitan Green Belt as defined in the approved Hertfordshire County Structure Plan and the adopted Dacorum District Plan. Within this Green Belt there is strong presumption against new developments. From reading the representations and my inspection of the site and its surroundings, I consider the main issue in this case is whether there are reasons peculiar to this appeal which justify overriding the general presumption against development which is an inherent feature of the green belt policy contained within these Plans.
- The extent of the 2 appeal sites are not clearly delineated on the ground but appear to lie within small areas of grassland which would allow the dwellings to be constructed without the need to remove any of the existing trees. With the exception of these 2 areas the whole of the nursery site appeared to have been completely covered with trees and shrubs until relatively recently. This is borne out by reference in the representations to possible illegal felling of trees on the site and which is apparently under investigation by the Forestry Commission.
- The County Surveyor has requested that certain conditions should be attached to any planning permission that might be given. These include visibility splays of 2.4 m x 35 m in each direction at the point of egress from the site on to Flaunden

Lane. This would not be possible with the access point in its present location as the land to the south is not owned by your client. It would be possible to relocate the access point more centrally within the 110 m or thereabouts frontage which the nursery has with Flaunden Lane. Construction of the access and sight lines wherever located on your client's frontage would however necessitate the clearance of existing trees and shrubs.

6. You have not put forward any reasons why your client requires 2 units of residential accommodation on the site. The letter from Milton Hutchings Limited suggests that the site at Venus Hill with residential accommodation, would be suitable to meet their needs and that your client is known to their Managing Director but that could apply to very many more sites throughout the area, some of which would undoubtedly be much more suitable. Apart from that part which has already been cleared, the area of land which it is suggested could become the nursery is currently quite densely covered with trees and shrubs. From the information contained in the representations it appears very uncertain whether or not your client will be permitted to fell the remaining trees to form the nursery or whether he may even have to replace those already felled. That being so it would be premature if not quite inappropriate to grant planning permission for dwellings associated with a project which may never materialise. In the event of your client's land becoming a nursery it would still be necessary to provide clear evidence for needing 2 units of residential accommodation on the site rather than in nearby existing settlements.

7. After taking into account all the other matters raised in the representations I am of the opinion that they are insufficient to outweigh the considerations which have led me to my decision.

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

I am Sir
Your obedient Servant



D C DAVIES BSc DLC CEng MICE MISTructE FCI Arb
Inspector