

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Brooks Fireworks Limited
 Sanquar
 Drumfriesshire
 Scotland

Messrs Montagu Evans & Son
 Awdry House
 11 Kingsway
 London WC2

Residential development

at Land south side Redbourn Road, Hemel Hempstead

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 30 November 1981 and received with sufficient particulars on 01 December 1981 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 without notation on the Approved County Development Plan and referred to in the policy document "Hertfordshire 1981" where there is a presumption against further development unless it is essential in connection with agricultural or other special local needs - insufficient justification has been given to warrant departure from this principle.
2. The development of the land the subject of this application would lead to excessive growth within Dacorum District such as to exceed control levels contained in the deposited Structure Plan Alterations (1980) contrary to the approved policies to the local planning authorities.
3. The development of the land the subject of this application conflicts with the policy provisions of the proposed modifications to the deposited Dacorum District Plan wherein the site is proposed for residential development during the period 1986-1991. This proposal is premature in the light of these policies.
4. Notwithstanding the strength of objection given above, the local planning

Dated 25 day of February 1982..

Cont/...

Signed.....



Designation Chief Planning Officer

authority considers that the development of the site at a density of 20 dwellings per acre is excessive and unwarranted and would if permitted give rise to a level of residential amenity below that which is considered generally desirable within this part of the district.

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.



Departments of the Environment and Transport

Eastern Regional Office

Charles House 375 Kensington High Street London W14 8QH

Telephone 01-603 3444 ext 86

CE/CPO
FILE

1) MB
2) TW
3) CPO

4) TEAM 1.

RETURN TO MRS FOR

COMM. REPORT

Your reference

Messrs Allen and Overy,
9 Cheapside,
London EC2 6AD

Our reference (1) APP/5252/A/81/3472

(2) APP/5252/A/82/4270

Date

- 8 FEB 1983

- 9 FEB 1983

Gentlemen,

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36
APPEALS BY BROOKS FIREWORKS LIMITED
APPLICATION NOS. (1) 4/1514/80; (2) 4/1512/81

6397

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr R H Moody, BSc, CEng, MICE, who held a local inquiry into your clients' appeals against the decisions of the Dacorum District Council to refuse planning permission for:

- (1) residential development to a density of approximately 25-30 units per hectare (application No. 4/1514/80); and
- (2) residential development to a density of approximately 20 units per acre (application No. 4/1512/81).

Both appeals relate to land to the south of Redbourn Road, Hemel Hempstead, Hertfordshire. A copy of the Report is enclosed. At the inquiry Appeal (1) was withdrawn and no further action will be taken in respect of it.

2. The Inspector said in his conclusions:

"I am of the opinion that whereas there might be some doubts as to whether some of the sites anticipated for residential development prior to 1986 will actually be developed before the end of 1986 and that even identification of a 5 year supply of housing land should not preclude consideration of other sites for residential development I am not satisfied that a case has been made to justify a grant of planning permission for residential development of the appeal site at this stage.

The appeal site is immediately available and eminently suitable in itself for residential development but it is a large site in an important location on the fringe of the built-up area of Hemel Hempstead. In my view development of the site now would be premature in terms of the period proposed for its development but more particularly would prejudice the overall strategy of housing land allocation set out in the modified Dacorum District Plan and the council's general strategic policy of restraint.

I am of the opinion, moreover that to suggest a density for residential development of the site at this stage would be even more unduly premature. The site is proposed to make a major contribution to the housing requirements of the area in the period commencing in 1986 and such matters as density, detail and phasing would be far better considered in the light of circumstances prevailing at that time in order to take full advantages of the site while having regard to its important location at the fringe of the town."

The Inspector recommended that the appeal be dismissed.

3. The Secretary of State notes that the main issues in this appeal concern the timing and density of development, rather than the principle of using the site for housing. In considering the first point he has addressed his mind to whether an adequate supply of housing land is available in accordance with Circulars 9/80 and 22/80. He is aware that references were made at the inquiry to the housing control figures contained in the proposed Alterations to the Structure Plan which are still under consideration following the Examination in Public, but he considers that in determining the appeal, he should have regard to the approved Structure Plan. This sets down control levels aimed at achieving an adequate building rate within overall policies of restraint and the Secretary of State considers it appropriate, when assessing the supply of available housing land, to adopt a method of calculation based on the residual requirement for housing in the remaining periods of the Structure Plan. Using this method of calculation, he is satisfied that a 5 year supply of housing land exists within the district to meet the control levels in the approved Plan.

4. However, the Secretary of State recognises that the existence of such a supply of land should not preclude consideration of other sites. He appreciates that the District Plan is not yet operative but it has been published and an inquiry into objections has taken place: the Council will shortly be considering the Inspector's Report. In these circumstances he regards the fact that the site is allocated in the Plan for housing development as an important consideration. He recognises that the Plan proposes that the site should be developed during the periods 1986-91 and he can appreciate the Council's concern about the timing of the development and the effects on the overall strategy of housing land allocation of the early release of sites proposed for development in later parts of the Structure Plan period. However, even if the appeal site was released at this stage, development would be unlikely to commence before 1984. The Secretary of State does not consider that this would be so far in advance of the period proposed for its development in the District Plan as to justify refusal on this count alone, or that it would prejudice the overall strategy or the Council's general restraint policies to the extent envisaged by the Inspector.

5. The Secretary of State notes that the site is at present subject to green belt policies and he has had regard to the Inspector's conclusion that it is in an important location on the fringe of the built-up area of Hemel Hempstead. However, he is not satisfied that it makes such a significant contribution to the amenities of the area that would justify leaving it undeveloped until there was a proven shortage of housing sites. It comprises meadow land, adjoined on two sides by a large area of new housing and a dismantled railway line and, in the Secretary of State's view, its development could be

seen as rounding off the housing estate which is nearing completion. Having given full consideration to all the evidence submitted, he has concluded that the case in favour of the development outweighs any advantages flowing from holding back the site until 1986-1991.

6. The Secretary of State notes that the application, although in outline, refers to a density of approximately 20 units per acre. Since there appear to be a number of constraints that could result in a reduction in the useable site area, the Secretary of State does not propose to indicate a specific density for the development. This can be resolved when details of the scheme are under consideration.

7. Accordingly, for the reasons given above, the Secretary of State has decided not to accept the Inspector's recommendation. Therefore he allows your clients' appeal and hereby grants planning permission for residential development on land to the south of Redbourn Road, Hemel Hempstead, Hertfordshire, in accordance with application No. 4/1512/81 dated 30 November 1981, subject to the following conditions:-

1. a. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto, and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority;
b. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter.
2. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-
 - i. 5 years from the date of this letter; or
 - ii. the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

8. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in the permission has a statutory right of appeal to the Secretary of State if approval is refused, or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

9. This letter does not convey any approval which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am, Gentlemen,
Your obedient Servant,

MISS A GERRY
Authorised by the Secretary of State
to sign in that behalf