

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To J. Green Esq.,
The Nursery,
Long Lane,
Bovingdon,
Herts.

Bungalow - OUTLINE

at land between 'Two Bays' and 'Beggars Roost', Long
Lane, Bovingdon.

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 6th November 1979 and received with sufficient particulars on 6th November 1979 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 Metropolitan Green Belt on the Approved County Structure Plan (1979) and draft District Plan wherein planning permission will only be given, whether for the construction of new buildings or the change of use or extension of existing buildings for agricultural purposes, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. The proposed development is unacceptable in the terms of this policy and would adversely affect the character of the area.

Dated 6th day of December 19 79.

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.



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Your reference

TVM/M

Our reference

T/APP/5252/A/80/07157/G8

Date

- 4 SEP 1980

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 2
 APPEAL BY MR J GREEN
 APPLICATION NO:- 4/1628/79

10 SEP 1980

FILE
No.

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 a bungalow at The Nursery, Long Lane, Bovington, Herts. I have considered the written representations made by you and by the council and also those made by an interested person. I inspected the site on 12 August 1980.
2. From my inspection of the site and its surroundings and the representations made I consider that a decision in this case turns on whether or not the reasons you put forward on behalf of your client are sufficient to justify an exception being made to the presumption against general development in the approved Metropolitan Green Belt.
3. You have submitted that the appeal land, although in a rural area, is surrounded by developed land and should therefore be treated as an infill site, that the building of a single house here would complete the development potential of the area and would not harm its rural character but serve to tidy up a plot which if left undeveloped will become an eyesore.
4. The site has an area of roughly an acre with a frontage of some 215 ft to the north-west side of Long Lane. This road is fairly closely developed on both sides to the north-east of the appeal site. In the south-westerly direction, however, the development is much more scattered and there are wide gaps on either side of the lane. In planning terms infill properly means the development of a small gap in an otherwise built-up frontage. This is certainly not the case here and I cannot regard the proposal as infilling nor accept your view that it would complete the development potential at this end of the lane.
5. Despite the pockets of ribbon development along it, Long Lane, at the time of my inspection, presented a distinctly rural appearance with abundant trees and hedges. I consider that the erection of a dwelling as proposed would intensify the present sporadic development and detract from the rural character and appearance of the locality. Moreover, if this particular proposal were allowed it would carry a serious risk of opening the way for similar proposals for the development of frontage land in the south-western section of Long Lane which would adversely affect the attractive rural scene.

6. I see no basis, on the information provided, to question the Council's statement that they have consistently applied the green belt policy in this area. If it is to be effective it must be strictly applied and very special circumstances therefore need to be adduced to warrant an exception being made. My conclusion is that they are not present in this case.

7. I have taken into account all other matters mentioned in the written representations but they are not sufficient to outweigh the considerations that have led to my decision.

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

I am Gentlemen
Your obedient Servant

A handwritten signature in dark ink, appearing to be 'E S Foster', written in a cursive style.

E S FOSTER
Inspector

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971).

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is the Secretary of State or Inspector, as the case may be, has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No. 419), which relate to the procedure on cases dealt with by the Secretary of State, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No. 420), which relate to the procedure on appeals transferred to Inspectors.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.