

22419

114



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

Common Services

Room 141 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 9270

Switchboard 0272-218811

**CHIEF EXECUTIVE
OFFICER**

22 OCT 1987

File No.
 Date of receipt 22/10
 Closed

Messrs Rumball Sedgwick
 Chartered Surveyors
 12 Station Road
 WATFORD
 Herts
 WD1 1EL

Your reference

DJP/DAB/4192

Our reference

T/APP/A1910/A/87/70492/P3
 PLANNING DEPARTMENT
 DACORUM DISTRICT COUNCIL

Date

Ref. **21 OCT 87**

Ack.

C.P.O.

D.P.

D.C.

B.C.

Admin.

File

Received

22 OCT 1987

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND
 APPEAL BY J F BISHOP
 APPLICATION NO:- 4/1664/86

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a single-storey village store with living accommodation, on land at Church Meadow, Great Gaddesden. I have considered the written representations made by you, by the Council and the Parish Council, and also that made by an interested person. I inspected the site on 16 September 1987.

2. From my inspection of the site and surroundings and from the representations made it is my opinion that the principal issues in this case are whether the proposal would materially conflict with local planning policies and adversely affect the visual amenities and character of the area.

3. The approximately 0.2 ha (0.5 acres) and rectangular shaped appeal site is an unused and overgrown parcel of land beside the River Gade; it appears to be part of an area where tipping has occurred following the grant of planning permission for that purpose in 1979. The site has frontage and access to a narrow road serving a small residential estate, and to the rear, or north-east, it is bounded by the river bank. To the north-west the site is partly bounded by the grassed playing field of the nearby village school, and for the remainder by a waterside meadow. The south-east boundary is also not clearly defined on the ground, but here the appeal site adjoins a piece of land of similar shape and size flanking Pipers Hill, the highway linking Great Gaddesden with the A4146 just to the east.

4. The appeal site is subject to the Policies of the Hertfordshire County Structure Plan - Alterations No 1, and in the adopted Dacorum District Plan is within a rural area beyond the Green Belt where planning permission will only be given for agricultural or other appropriate uses, and for the local facilities and service needs of the area. Moreover, the Plan shows the site to be in the Chilterns Area of Outstanding Natural Beauty where the Council is concerned to preserve the natural beauty of the landscape, to encourage agriculture and to conserve wildlife.

5. Notwithstanding the appeal site is re-claimed land, it is clearly not derelict, and, in my opinion, it makes a very significant contribution to what I see as this delightful area of countryside. I agree that there is space to provide what you describe as an attractive property and additional extensive landscaping, but regardless of where the proposed building was positioned on this prominent site I certainly do not accept that it would improve the visual amenity of the immediate area as you contend.

6. Whilst some more recent building has occurred and re-development is taking place at Church Farm, the limited built-up area of Great Gaddesden looks to be long-established and, in my view, closely confined. I therefore believe the proposal would extend development beyond the existing village confines, and would amount to a gross intrusion into the countryside that would seriously detract from the estimable character and appearance of the surroundings; and my opinion is unaltered by your submission that a cottage once abutted the appeal site.

7. Although you claim that the proposed village store would meet a very definite need there is no evidence to support that assertion. On the contrary, the Parish Council, a body I would expect to express the consensus of local opinion, strongly objects; an objection which, in all the circumstances, has my full support. I have, of course, taken account of all the other matters raised in the written representations but conclude they are outweighed by those that 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 Gentlemen
Your obedient Servant

A handwritten signature in dark ink, appearing to be 'H C Stow', written in a cursive style.

H C STOW
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 maybe, 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.

DP

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To J F Bishop
111A Toms Lane
Kings Langley

M H Seabrook
4 Bradbery
Maple Cross
Rickmansworth

.....	Single storey village store with living
.....	accommodation (Outline)
at	Church Meadow
.....	Great Gaddesden

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 27.11.86 and received with sufficient particulars on 28.11.86 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 adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of this policy.
3. The proposal is not supported by evidence of local need sufficient to satisfy Policy 4 of the adopted Dacorum District Plan.
4. The erection of buildings on this site would constitute an isolated and unsatisfactory form of development adversely affecting the visual amenities and open character of the area. Dated 5th day of February 19.87...

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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.