

CHIEF EXECUTIVE OFFICER
 29 JUL 1988
 File No.
 Refer to ... *CP.029/7* ...
 Cleared

**Department of the Environment and
 Department of Transport**
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Stimpsons Planning & Architectural Division 14a St Albans Road WATFORD Herts WDI 1RX	PLANNING DEPARTMENT DISTRICT COUNCIL		Your reference 2620/RP/SW	26047
	Received 1 AUG 1988		Our reference T/APP/A1910/A/88/88048/P5 Date 27 JUL 88	
Comments Gentlemen				

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MR AND MRS S J MASON
 APPLICATION NO: 4/1791/87

- As you know 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 planning permission for the erection of a dwelling at "Little Orchard", Vicarage Road, Potten End. I have considered the written representations made by you and by the Borough Council, and also those made by the parish council and interested persons. I inspected the site on Tuesday 14 June 1988.
- From my inspection of the appeal site and the surrounding area, and bearing in mind the representations made, I consider that the main issue concerns the general presumption against development in the green belt and whether the circumstances in this instance are so overriding that planning permission ought to be granted.
- The appeal site is part of the garden of "Little Orchard" and though direct access to Vicarage Road is preferred, your letter of 18 November 1987 indicates that a shared drive could be provided if this was an essential requirement for the proposed development. The application was in outline and the question of access would have been a matter for detailed submissions.
- Potten End is a village within the Metropolitan Green Belt and the appeal site is within the village built-up area. And in the village there are I noticed other developed sites where it would be possible to add an additional dwelling. I think therefore that simply being 'infilling' - as a modest dwelling on the appeal site could be considered to be, is not sufficient justification for development.
- Policy 4 of the adopted District Plan requires that available sites are treated as scarce resources only to be used up to meet the specific exceptions to the general policy of restraint. There are no exceptional circumstances in this instance. I appreciate that your clients have lived in Potten End for very many years and their housing needs have changed. But this is not the case of a dwelling being built specifically for villagers who as they grow old could become occupiers; if as there may well be, a need for some additional housing for the elderly.
- Your arguments for development however, do not put forward special circumstances, but rather that Policy 4 is outdated. Yet it seems to me that it is part of a strong green belt policy to husband the resources of an area; and I think that the general presumption against development within the Green Belt should not be set aside without good reason. I do not think Policy 4 should just apply to isolate

sites and not to an unexceptional case of 'infilling': the latter are referred to in Policy 5, with Policy 4 reflecting a positive planning purpose concerning development in the green belt.

7. I have also considered the other matters raised in the representation, including those contained in the letters of support for your clients' proposal, however the considerations that have led me to my decision are not outweighed by these other matters.

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



C C EYRES FRTPI FLandInst
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr and Mrs S J Mason
Little Orchard
Vicarage Road
Potten End

Stimpsons Planning & Architecture
14A St Albans Road
Watford
Herts
WD1 1RX

One Dwelling (Outline)
.....
.....
at Land adjoining Little Orchard, Vicarage Road,
.....
.....Potten End.....

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 18 November 1987 and received with sufficient particulars on 23 November 1987 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 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. This proposal would be likely to give rise to right turning movements in close proximity to the existing junction into Vicarage Road and as a consequence would be likely to give rise to conditions prejudicial to the free and safe flow of traffic along the highway.

Dated 14 day of January 19 88.

Signed *W. B. Marshall*

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.