

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No. ....

THE DISTRICT COUNCIL OF ..... DACORUM .....

IN THE COUNTY OF HERTFORD .....

.....

To Mrs. R. Hunt & Mrs. J. Bradby,  
40 Portland Road,  
LONDON,  
W11.

Messrs. Fuller, Hall & Foulsham,  
53 Marlowes,  
HEMEL HEMPSTEAD,  
Herts.

One dwelling on land adjoining West Tower,  
Hudnall Lane, Little Gaddesden.  
- OUTLINE.

xx

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 27th November, 1980, and received with sufficient particulars on 28th November, 1980, 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 and in the Chilterns Area of Outstanding Natural Beauty on the County Development Plan and the Approved County Structure Plan. Within such areas, planning permission will not be given, except in very special circumstances, for development other than that required for the purposes of agriculture, small scale facilities for participatory sport or recreation or other essential purposes appropriate to a rural area. No such need has been put forward in support of the proposed development, which is therefore unacceptable in the terms of this policy.
2. The regular use of the access in association with residential development of the site would give rise to conditions prejudicial to road safety in Hudnall Lane, because of sub-standard visibility.

Dated 8th day of January, 1981.

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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C77C

16 SEP 1981

PLANNING DEPARTMENT  
DACORUM DISTRICT COUNCIL

Messrs Fuller, Hall and Foulsham  
53 Marlowes  
HEMEL HEMPSTEAD  
Hertfordshire  
HP1 1LL

Ref.					Your reference EHD/AJK/3053	
C.P.O.	D.P.	D.C.	B.C.	Our reference	File	
				T/APP/5252/A/81	08468/G4	
Received			Date			
17 SEP 1981			15 SEP 1981			
Comments						

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEALS BY MRS R HUNT AND MRS J BRADBY  
LAND ADJOINING WEST TOWER, HUDNALL LANE, LITTLE GADDESSEN

1. I have been appointed to determine this appeal against the decision of the Dacorum District Council to refuse planning permission for the erection of one dwelling on the above-mentioned land. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 26 August 1981.
2. It seems to me that the main issues in this appeal are whether the policy objections to the erection of a house in this locality are so strong as to make it necessary to refuse planning permission, and whether the residential use of the existing access is likely to give rise to unacceptable traffic hazards.
3. You argue that development on this site would be infilling of a type considered acceptable under the provisions of Development Control Policy Note No. 4. The planning authority accept that a house on this site would have only a minimal impact in visual terms; I agree that a well-designed house, adequately screened, would be inconspicuous and would not look out of place in this location. The proposed development would, however, be contrary to structure plan policies 2 and 15, as set out in the planning authority's statement, and also to the district plan policies to which they refer. These policies seem to me clearly deserving of support, and only if there were special circumstances would I consider it right to grant planning permission for development which is not in accordance with them. I do not think that special circumstances of sufficient strength are present in this case.
4. The most cogent objection to the development, however, is in my view that put forward on traffic grounds. While I note that the present access to the site has been formed with the benefit of planning permission, this was granted on the basis that the purpose of the access was to facilitate the agricultural use of the land. The land is now neglected and overgrown, and it seems unlikely that any regular use has been made of the access since it was constructed. I do not, therefore, attach much weight to the accident statistics which you have produced. Visibility from the access remains extremely limited, and cars approaching the access from the right become visible only a very short distance from it. The road is narrow, and there are no footpaths. During my inspection of the site it seemed to me that cars travelled along the road at considerable speed; the road is not subject to any special speed restriction. Residential use of this access would certainly lead to a marked increase in the frequency of its use.

While I agree with you that the accesses serving neighbouring houses are as unsatisfactory, or very nearly so, this is in my view no reason for permitting the residential use of a further gravely sub-standard access to what is, I am satisfied, a potentially dangerous stretch of road.

5. I have considered all the other matters raised in the representations but they are not of sufficient importance to outweigh the considerations which have led me to my decision.

6. For the reasons given above, and in exercise of the powers transferred to me, I hereby dismiss your clients' appeals.

I am Gentlemen  
Your obedient Servant

*A. N. Marshall*

A N MARSHALL MA (Oxon) Solicitor  
Inspector