



Department of the Environment

Room 1319

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 875
Switchboard 0272-218811
GTN 2074

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref					
C.O.	D.P.	D.C.	B.C.	A. No.	File
Comments					
Your reference					

J P Frith Esq
Beechview
Cherry Bounce
HEMEL HEMPSTEAD
Hertfordshire

Our reference

T/APP/5252/A/81/9928/G7

Date

23 OCT 1981

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR M DALTON
APPLICATION NO: 4/1825/80

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a bungalow on land at Luton Road, Markyate. I have considered the written representations made by you and by the council. I inspected the site on 12 October 1981.

2. In my view the main issue to be decided in this case is whether or not the proposal would harm the rural character of the area, bearing in mind the policy provisions of the County Structure Plan and Draft District Plan.

3. The appeal site lies on the south-east side of Luton Road. There is open countryside to the rear and agricultural land on the opposite side of the road. The site is well wooded and although there is residential development nearby the area has in my view a predominantly rural quality.

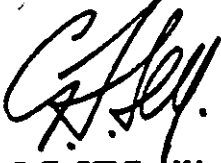
4. The erection of the proposed bungalow, which would almost certainly necessitate the felling and lopping of several trees, would in my opinion create a perceptibly more suburban atmosphere at and near the site. Although there is a dwelling, The Lodge, a little to the south-west I do not consider that the appeal site can be regarded as part of the built-up area of Markyate or of the hamlet near Caddington Hall: on the contrary, the development would consolidate the existing sporadic pattern of building extending into open countryside. In my judgement, therefore, the proposal would detract from the rural character of the area.

5. In reaching my decision I have had regard to the policy factors mentioned by both you and the council. I note that the District Plan has not yet been formally finalised: nevertheless since the plan has proceeded through a public inquiry and is evidently well advanced towards statutory adoption its policy provisions are a material consideration. Furthermore the approved structure plan contains a general presumption against most forms of development in rural areas outside the Metropolitan Green Belt. I conclude that the objections to the proposed development are strengthened by well-established policy.

6. I have taken into account all the other matters raised, including the personal circumstances quoted in support of the appeal, but I find that they do not outweigh the considerations which have led to my decision.

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

I am Sir
Your obedient Servant



G F SELF MA MSc MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

M. Dalton, Esq.,
92 South Street,
LEIGHTON BUZZARD,
Beds.

To

Bungalow

at land off Luton Road, Markyate.

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 and received with sufficient particulars on 10th December, 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 Metropolitan Green Belt where planning permission will not be granted for development except in very special circumstances, unless it is for the purposes of agriculture, forestry, or for leisure purposes appropriate to the area which cannot reasonably be located within urban areas or for other uses appropriate to a rural area. The proposed development does not fall within any of these exceptions.
2. The site is within an Agricultural Priority Area where planning permission will not normally be granted for development which adversely affects the character of the countryside and which is not required for the purposes of agriculture. The proposed development is not required for agriculture and would be an undesirable intrusion into an existing wooded area adversely affecting the character of the area.
3. The proposed development is not located within the rural settlement of Markyate and is therefore contrary to the provisions of Policies 4 and 5 of the Dacorum District Plan.

Dated 5th day of February, 1981.

Signed



Designation Chief Planning Officer.

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.

DEPARTMENT OF THE ENVIRONMENT

Tollgate House Houlton Street

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL
BRISTOL BS2 9DJ

Ref.

3) 10/11/80

C.P.O.	D.P.	D.C.	B.C.	Admin.	File

TOWN AND COUNTRY PLANNING ACT 1971 26 OCT 1981

Comments COPY SENT TO SECRETARY

The enclosed copy of the Inspector's decision is for the Council's information.

4 / 18 25 / 80

ENC

TCP 212A

RETURN TO A.C.P.O. FOR

26 OCT 1981

Btl 5605/1/A06006 5m 5/80 TCL

COMMITTEE REPORT



Department of the Environment

Room 1319

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GTN 2074

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.			Ack.		
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received			26 OCT 1981		
Comments			2355		
Your reference					

J P Frith Esq
Beechview
Cherry Bounce
HEMEL HEMPSTEAD
Hertfordshire

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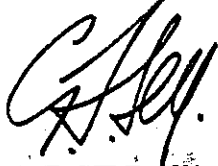
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3. The appeal site lies on the south-east side of Luton Road. There is open countryside to the rear and agricultural land on the opposite side of the road. The site is well wooded and although there is residential development nearby the area has in my view a predominantly rural quality.
4. The erection of the proposed bungalow, which would almost certainly necessitate the felling and lopping of several trees, would in my opinion create a perceptibly more suburban atmosphere at and near the site. Although there is a dwelling, The Lodge, a little to the south-west I do not consider that the appeal site can be regarded as part of the built-up area of Markyate or of the hamlet near Caddington Hall: on the contrary, the development would consolidate the existing sporadic pattern of building extending into open countryside. In my judgement, therefore, the proposal would detract from the rural character of the area.
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I am Sir
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'G. F. Self', written in a cursive style.

G F SELF MA MSc MRTPI
Inspector