

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To R Rule
131 Trowley Hill Road
Trowley Bottom
Flamstead
Herts

One dwelling (outline)
131 Trowley Hill Road Trowley Bottom Flamstead Herts
at

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 22.11.87 and received with sufficient particulars on 1.12.87 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

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.

Dated 4th day of February 1988

Signed

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.



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Department of the Environment

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GTN 2074

20 SEP 1988

26565

Mr R F Rule
131 Trowley Hill Road,
Trowley Bottom,
Flamstead,
Herts AL3 8DS

CHIEF EXECUTIVE
OFFICER

20 SEP 1988

File No.

Refer to

Cloa.

Your Reference

Our Reference

APP/A1910/A/88/092115/P3

Date:

19 SEP 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/1831/87

1. I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of a detached house with garage on a plot adjacent to 131 Trowley Hill Road, Flamstead, Herts. I have considered the written representations made by you and by the Council as well those made by the Flamstead Parish Council. I inspected the site unaccompanied on 22 August 1988.

2. From the written representations and my inspection of the site and the surrounding area, I consider the main issues are whether the proposed dwelling would be contrary to the local policies restricting development outside the village of Flamstead and if so whether there are any special circumstances that would warrant an exception being made to these policies.

3. The village of Flamstead is located to the south of the A5 a short distance from the junction with the M1, and is within the Chilterns Area of Outstanding Natural Beauty. Trowley Bottom and the dwellings adjacent to Trowley Hill Farm, are separated from the main part of the village to the extent that they are contained in a sheltered area between Trowley Hill Road and White Hill, surrounded by open countryside and severed from the village by the rural surrounds of Trowley Hill Farm.

4. The Herts County Structure Plan operative from 1984 contains policy which restricts development in rural areas beyond the Green Belt, save within selected settlements where development meets local housing and employment needs, or provides local facilities and services needed in a rural area. The appeal site is outside the defined limits of Flamstead although this village is one of those listed where small scale residential development may be permitted within the main core of the village under Policy 5 of the approved Dacorum District Plan, provided it meets the uses considered appropriate to the rural area. These uses are the same as those defined in the settlement policy, Policy 15 of the approved Structure Plan.

5. Your proposal in outline shows a detached dwelling and garage of about 100 metre square floor area, in part of the rear garden of 131 Trowley Hill Road. The site is about 0.036 hectares (0.089 acres) with a frontage of about 15 metres on to Trowley Bottom. The site is screened by hedges although I noted that the adjacent house to the north at 129 Trowley Hill Road is not as well hidden from the site as is the new house built next to it further along Trowley Bottom. You say that a house on this site is in a sheltered position, does not bound onto open land and is in a gap in an otherwise built up frontage. Consequently your view is that it would not have any detrimental effect on the character of the village and would meet the objectives of limited infilling without harming the village or the surrounding countryside.

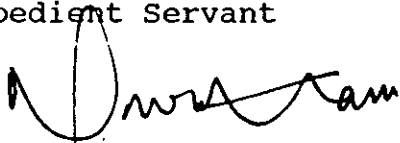
6. I agree that the site does not occupy a prominent position and although it is part of a garden, if developed, would not reduce the amenities of neighbouring residents. However I do not accept that its development as proposed would not have the effect of consolidating a small settlement, nominally a part of the village of Flamstead but separated from that village by topographical features and the associated Trowley Hill Farm. Such consolidation would in my view be undesirable as it would extend and change the character of the village as a whole. It would harm the rural character of Trowley Bottom by replacing a garden with a house and introduce a suburban feature which would clash with the surrounding countryside.

7. You do not claim that the house would meet any of the uses considered appropriate to the rural area and therefore I consider the policy aim of the Council in this case to limit the spread of the village outside defined limits in a designated attractive area of countryside, should be supported and as there are no special circumstances justifying relaxing these policy restraints I find that your proposal has been correctly refused by the Council.

8. I have taken account of all the other matters raised in the representations but they do not affect my conclusions on the material considerations that have led to my decision in this case.

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

I am Sir
Your obedient Servant



D W ROWBOTHAM BSc(Econ) DipTP MRTPI
Inspector