



Department of the Environment

Room 1411

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 918

Switchboard 0272-218811

GTN 2074

Messrs Brown and Merry
41 High Street
TRING
Herts
HP23 5AB

Your reference

PHK/JCT

Our reference

T/APP/5252/A/81/9786/G5
Date

12 NOV 1981

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY W J AND M MASH LTD
APPLICATION NO:- 4/1843/80

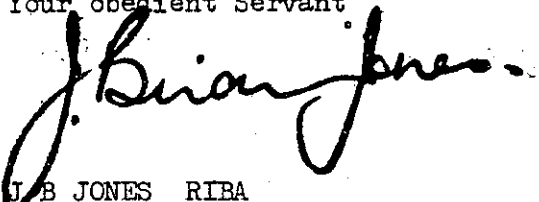
1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the proposed reconstruction of the existing derelict dwelling at Pockets Dell, Chesham Road, Bovington. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 7 October 1981.
2. From my inspection of the site and its surroundings and the representations made, I consider that the main issue is whether or not there are any special circumstances which would justify the proposed reconstruction within the Metropolitan Green Belt, where there is a general presumption against development.
3. The appeal site, which has a road frontage of 65 m or thereabouts and an average depth of some 240 m is located on the south-east side of the B4505, Bovington to Chesham road approximately three-quarters of a mile to the west of Bovington. Both the site and a similar sized parcel of land adjoining the south-west boundary appear to have been utilised as an orchard, whilst the surrounding land to the north, south, east and west, directly across the B4505 is in agricultural use. Vehicular access to the appeal site exists at the southern corner of the road frontage. The appeal buildings are situated well down the site, approximately 150 m from the highway and all are in an exceedingly dilapidated state. There have been 3 buildings; the cottage, which runs more or less east/west down the site and an attached barn running north, the 2 of which form an 'L'-shaped plan. The third building is free standing some metres to the north and parallel with the northern boundary.
4. In the approved County Structure Plan the appeal site is shown within the extended Metropolitan Green Belt where, unless there are very exceptional circumstances, new development will only be permitted for the purposes of agriculture, forestry, appropriate leisure purposes which cannot be accommodated within urban areas, or other uses appropriate to the Green Belt.
5. It is indisputable that Pockets Dell has not been occupied for many years and I noted during my site visit that, other than the chimney stack, little endures of the cottage. The attached barn is in only a slightly better structural condition and the walls of the detached building appear to have collapsed, leaving the broken corrugated roof at ground level. After site clearance of the rubble and collapsed

structures, so little of the original Pockets Dell would remain for reconstruction, that to all intents and purposes both dwelling and garage would be new structures. In my opinion the proposals for the dwelling and also the timber barn, for use as a garage must be deduced as new development and accordingly the application must be considered within the terms of Green Belt Policy, the aims of which is to preserve the character and appearance of the rural scene and safeguard it from encroachment of activities which would disturb its tranquil appeal. You have not supported the application with any special need or circumstance and as it is incontestable that Pockets Dell is outside the main built-up area of Bovingdon the proposed reconstruction, to my mind, must constitute sporadic development to the detriment of the rural appearance and character of the Green Belt. As such it is insupportable and to permit your proposal would only further prejudice the primary aim of the Green Belt and I consider that its concept and policy should not be gnawed at or eroded by individual ideas, without the previously mentioned compelling necessity. In the absence of any special need I can see no valid reason to repudiate this long standing policy.

6. I have taken into account all the other matters raised in the written representations but I am of the opinion that they are outweighed by the circumstances that have led me to my decision.

7. 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 read 'J. B. Jones', written in a cursive style.

J. B. JONES RIBA
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To W. J. & M. Mash Ltd.,
c/o Messrs. Brown & Merry,
41 High Street,
TRING,
Herts.

.... "Proposed reconstruction of the existing derelict
dwelling",
at Pockets Dell, Chesham Road, Bovington.

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 14th April, 1980, and received with sufficient particulars on 16th 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:—

The site is within the Metropolitan Green Belt as shown in the deposited Dacorum District Plan and in an area referred to in the Approved County Structure Plan (1979) wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension 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 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.

Handwritten signature