

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other  
Ref. No. ....

THE DISTRICT COUNCIL OF DACORUM  
IN THE COUNTY OF HERTFORD

To  
Dr. M. Saunders,  
Keasden,  
Flaunden Lane,  
HEMEL HEMPSTEAD,  
Herts.

Messrs. Brown & Merry,  
145 Marlowes,  
HEMEL HEMPSTEAD,  
Herts.

One dwelling  
adj. to "Keasden", Flaunden Lane, 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 19th December, 1979, and received with sufficient particulars on 20th December, 1979 and shown on the plan(s) accompanying such application..

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

The proposed development would have an adverse effect on the predominantly open character of the area, which lies within the proposed extension to the Metropolitan Green Belt.

Dated 7th day of February, 19 80.

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.



# Department of the Environment

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Messrs Brown & Merry  
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Your reference

PHK/JCT

Our reference

T/APP/5252/A/80/08040/G7

Date

- 9 FEB 1981

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY DR M SAUNDERS  
APPLICATION NO:- 4/1844/79

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 detached dwelling and garage on land at "Keasden", Flaunden Lane, Bovington, Hertfordshire. I have considered the written representations made by you, by the Council, the Bovington Parish Council, and also those made by other interested persons. I inspected the site on 16 September and 4 December 1980.
2. The appeal site forms part of the garden of a large house called Keasden. Keasden adjoins several other large houses with large gardens which front onto Flaunden Lane. The lane itself is narrow, with high hedges and trees on each side of it. The general feeling of the area is rural, and because of the vegetation the existing houses are not easily seen from Flaunden Lane.
3. The appeal site lies within the Green Belt which was approved as part of the County Structure Plan, by the Secretary of State for the Environment, in 1979. The policy of restricting development to that appropriate to the Green Belt also formed part of the First Review of the County Development Plan which was approved by the Secretary of State in 1971. The Structure Plan policy as it relates to the Green Belt states that unless there are very special circumstances, development will only be permitted if it is essential for agricultural purposes, for some recreational purposes or for other uses appropriate to a rural area.
4. In 1962 planning permission was granted to erect a bungalow on the south-east corner of the garden of "Keasden". This site is comparable in size and location to the appeal site. The Council contend that this permission is no longer valid, you on the other hand state that the footings for this dwelling were excavated before 1 January 1968 and that therefore the dwelling could be completed in accordance with the original permission. The Council have no record that the footings were excavated and that development commenced on the site. There has been correspondence between the parties on this matter, and the second site inspection on 4 December was especially directed towards establishing whether or not there was any physical evidence on the site that the alleged works had been carried out. No such evidence was visible, however, and on the information before me I am not persuaded that the planning permission granted in 1962 was acted upon. I therefore consider that this permission has now lapsed.

5. I further consider that since that permission was granted, there has been a change in the planning circumstances affecting the site. Constraints on development in the area were imposed in 1963, and these were endorsed in the First Review of the County Development Plan as approved in 1971. Since that time, the County Structure Plan has been approved and its provisions brought the appeal site formally into the Metropolitan Green Belt, where severe restrictions on new residential development apply.

6. From my inspection of the site and surrounding area and from the representations made I consider that a decision in this case turns on whether there are special circumstances which might properly override the Green Belt policies contained in the approved Structure Plan.

7. I can appreciate your client's wish to develop part of his large garden and to do it in such a way that the pleasant rural character is maintained. But such areas as these are relatively fragile and the introduction of a new building with access onto a narrow country lane can rapidly destroy the rural character. No case has been made that the development is required for a purpose appropriate to the Metropolitan Green Belt and I do not think that there are any special circumstances which would justify my granting permission for this proposal.

8. I have taken into account all the other matters raised in the representations, including other development permitted in the area and, in particular, the claim that the planning permission granted in 1962 is extant, but in my judgement, none of these is sufficient to outweigh the considerations which have led to my decision, and for the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant



BETTY TREVENA MDesST DipTP FRTPI FRAPI  
Inspector