



# Planning Inspectorate

Department of the Environment

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GTN 1374

4/1867/88

Handwritten initials and marks

Grimley J R Eve  
Chartered Surveyors  
11 Hill Street  
LONDON  
W1X 7FB

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.				Ack.		
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
Received 22 FEB 1990						
Comments						

Your Reference:

SFR/2880895

Our Reference:

T/APP/A1910/A/89/125495/P2

20 FEB 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTIONS 36 AND 37 AND SCHEDULE 9  
AS AMENDED BY THE HOUSING AND PLANNING ACT 1986  
LOCAL GOVERNMENT ACT 1972 - SECTION 250 (5)  
APPEAL AND APPLICATION FOR COSTS BY PLANWELL PROPERTIES (HERTS) LTD  
APPLICATION NO:- 4/1867/88

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the failure of the Dacorum Borough Council to decide, within the prescribed period, your clients' application for full planning permission for residential development on land adjoining Highfield Road, Wigginton, Hertfordshire. I held a local inquiry into the appeal on 9 and 10 January 1990. At the inquiry, you made an application for an award of costs on behalf of your clients against the Borough Council, and I deal separately with this matter below.

## THE APPEAL

2. You confirmed that revised application plans were submitted on 17 April 1989, for five 2-bedroom bungalows, ten 2-bedroom houses and five 3-bedroom houses, this total of 20 dwellings being a reduction of 3 from the 23 for which the planning application of 2 September 1988 was made.

3. In October 1986, outline planning permission was granted on appeal for sheltered housing on the current appeal site, which is within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty. An illustrative plan (Plan Q) showed 17 dwellings with warden accommodation, and reserved matters for this proposal are now before the Council for determination. In your view, the primary consideration in this appeal is whether the substitution of one form of housing, the appeal proposal, for another, the approved sheltered accommodation, would cause demonstrable harm to any planning objective of acknowledged importance.

4. I have taken account of the written representations, the points put to me at the inquiry, all that I saw at my site inspection and the requirement of Section 29 of the Main Act, that a local planning authority, in dealing with a planning application, shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material consideration. From all



this, the one main issue which arises is whether there are any circumstances so compelling that they outweigh the strong presumption against inappropriate development in the Green Belt, and whether serious harm would be caused to its function, character and appearance. It is thus my view that the extant planning permission is a highly relevant material consideration, but that it is not so crucial a matter that it outweighs everything else to which I have had regard in coming to my decision.

5. The proposed dwellings are of a small and modest size, would make a useful contribution to the supply of smaller units in the locality, and would be attractive to a variety of purchasers. These could include first time buyers, the elderly, retired, and single people on their own or with children. As you said, these people are all deserving cases for such accommodation, and I have no doubt that, when put on the open market, there would be a ready demand for these dwellings, both from local village people and further afield. Nevertheless, the scheme is more for general purpose housing, not normally permitted by the Council in carrying out their Green Belt policies, rather than for the particular needs of, for example, agriculture or forestry, referred to in Policies 1 and 4 in the adopted Dacorum District Plan, and in Planning Policy Guidance 2, paragraph 13. Although this Plan is no longer in general conformity with the Approved County Structure Plan, I conclude that the development is not of a type appropriate to the Green Belt.

6. I come now to consider whether there are any very special circumstances which might justify the granting of planning permission, and in so doing I have compared the extant permission for sheltered accommodation with the appeal proposal. Although there is only an illustrative plan for the former, and so some conclusions are tentative, certain important similarities can be identified. The sites are the same, and the proposed access is from the same point on Highfield Road. Both sets of plans show a courtyard type of development, with dwellings generally grouped around the access, and car parking to the rear, and this arrangement should ensure the retention of about, or exactly, the same amount of trees and hedgerows. Whilst general purpose housing, even for identified likely types of purchasers, is not an exception for which Green Belt policies provide, nor is sheltered accommodation. I also recognise that both types of accommodation could serve the needs of local people. Nevertheless, although the previous Inspector was aware of the possibility of providing starter homes on the land, the fact remains that he decided that the previous proposal could be regarded as an exception to the Council's Green Belt policies, and that sheltered accommodation would be useful in the general housing programme for the Borough. But, as every planning application must be determined on its merits, having regard to such material considerations as the Development Plan, do not consider that this extant permission, or the similarities described, are of such force, or their circumstances so compelling, that they oblige me to treat the appeal proposal as another exception to Green Belt policies, and to grant permission for it.

7. You referred to 2 cases, Cranford Hall Parking Ltd v Secretary of State for the Environment and Hounslow LBC, and Barnett Meeting Room Trust v Secretary of State for the Environment and Another, which you said established that the mere fact that a site was in the Green Belt did not in itself constitute a sound and clear cut reason for refusal. I have therefore continued by considering whether the proposal would seriously harm the function, appearance and character of the Green Belt in this part of the village.

8. The appeal site includes 2 detached dwellings, both of which, as the previous Inspector noted, could be extended, and sheds erected in their gardens, in the exercise of permitted development rights. Boundary hedges could be removed, and this would also reduce the rural appearance of the site. To the north is

residential development, mainly in the form of chalet bungalows, and to the south are pairs of semi-detached houses quite close to the footway. To the west are several larger houses, well set back from the road, and well screened by trees and other vegetation. To the east is open countryside, with good views across it to a more rolling landscape. Green Belt notation covers Wigginton in its entirety, and the Council have included the site within the village core, which they defined by resolution in 1982 following consultation with the Parish Council. Owing, however, to the proximity of the site to open countryside, and the closeness of the recreation ground to the south-east, I consider that the land forms a valuable, generally open, feature in this part of the village, helping to separate the estate and ribbon like development to the north, from the more built-up parts to the south. It preserves the rural flavour of the village, and the consolidation of development which would result from the proposed 20 dwellings and associated works, including the opening up of the hedgerow to provide access, would constitute serious harm to the visual amenities of the Green Belt. Policy 5 in the Local Plan states that planning permission may be granted for small scale residential development within the core of the village, provided that it is of a type which accords with Policy 4. Both Policies are likely to be modified in the review of the Plan, but in view of the size of the site, the nature of the proposal and its environmental effects, matters to which the Council have regard in applying the Policies, I have still attached some weight to them, and consider that they would be breached by the development.

9. Besides the similarities, a comparison was made at the inquiry of the differences between the sheltered housing proposal and the appeal proposal. Just 2 additional dwellings are now proposed, rather than the previous 18, which includes the warden's accommodation. Instead of 17 under-cover car parking spaces, 36 open spaces are now proposed. As for the volume of development, it is the Council's view that sheltered accommodation is normally in the form of one bedroom flats, but I agree with you that elderly people will often wish to entertain relatives and friends, and benefit from the additional space of a second bedroom, and so it seems reasonable to expect some larger dwellings. Although I do not agree that the difference in volume between the two schemes would be as great as the Council imply, I consider that residents in sheltered accommodation have often moved from larger houses, and on balance I would expect to see one and 2-bedroom accommodation in this type of development, rather than the entirely 2 and 3-bedroom accommodation of the appeal proposal. It is therefore reasonable to suppose that the appeal proposals would be of some greater volume than the previous proposal.

10. As I have said, it is not possible to judge the precise effect of the main differences on the surroundings, because of the illustrative nature of the layout plan for the sheltered accommodation. In view, however, of the increased number of dwellings, the more extensive car parking, albeit at the rear of the site, where existing and any additional landscaping would provide screening especially during the summer months, and the likely greater volume of building of the appeal proposals, there is a real possibility that the effect on the surroundings would be more pronounced, and that this would further erode the low density, rural nature of the appeal site. Thus, whilst it is my judgement that the previous Inspector considered that any harm occasioned to the Green Belt by the sheltered accommodation scheme was outweighed by the particular benefits of this specialised type of accommodation, I do not agree that the same conclusion should be reached with the appeal proposal.

11. Reference was made to other land at Wigginton, including Fieldway and the Coal Yard site, where permissions have been granted for residential development. Both sites are smaller than the appeal site, and are more closely surrounded by the built-up area, and so comparisons are of limited value. The Council cited

precedent. In view of the size and location of the appeal site, and the extant planning permission, there is no convincing evidence to suggest that similar circumstances exist elsewhere, and I conclude that the Council's generalised concern on the matter of precedence is not a sound reason for refusal.

12. I have had regard to all the other matters raised, including the cumulative effect of the proposal, the Parish Council's preference for a mixed housing scheme and the unlikelihood of the site being needed or reserved for agricultural dwellings, but they do not outweigh those planning considerations which have led to my decision.

13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal, and refuse planning permission.

#### THE APPLICATION FOR COSTS

14. In your application for costs, you relied on Circular 2/87, and stated that the refusal of planning permission had been unreasonable. Referring particularly to paragraph 8, you said that the Council had slavishly followed their District Plan policies, which were being reviewed, without paying due regard to the extant planning permission. Much greater attention should have been given to the particular merits of the appeal proposal, and the end result of not doing so had been the unreasonable refusal.

15. The error of the Council's approach had been highlighted in their closing submissions, when it had been said that the existing planning permission was not the starting point for considering the appeal application. That was unreasonable. They should have used this clearly reasoned decision letter as a starting point. Your witness, Mr Robinson, had written to the Council on 12 May 1989 (Document 12) asking them to think again about the recommendation to refuse planning permission. This should have alerted them to the unreasonableness of their approach, and the possible consequences of costs, but they had not heeded the letter.

16. In reply, opposing an award of costs, the Council pointed out that there had been a deemed refusal of planning permission, and an appeal against non-determination. They had responded to Mr Robinson's letter by arranging a meeting, but then on 18 May 1989 the appeal had been lodged. This had transferred jurisdiction from the Council to the Secretary of State, so any consultation and/or revision to the proposal had been aborted by the appellants. Officers had no alternative but to refer the proposal to the Committee, with the recommendation of deemed refusal.

17. Even if they had attached insufficient weight to the previous decision, that did not in itself constitute unreasonable behaviour. Although the extant permission was not the correct starting point to the determination of the appeal application, it had not been ignored. The report to Committee quoted it, and the application had been considered on its merits, with all the material considerations, including the extant planning permission, given due weight. Even if the decision had been approached wrongly, there was a difference between that, and an unreasonable approach. The Council had not acted unreasonably, but the appellants, in their hasty resort to appeal, had behaved with an element of unreasonableness.

18. In your response, you stated that by May 1989 the appellants had been waiting a long time for the proposal to go to the Committee, and they had sought to bring matters to a head by appealing against non-determination. The Council could still

have discussed the proposal, and come to the decision that no real objection could be raised to it.

## CONCLUSIONS

19. In determining the application for costs on behalf of your clients, I have borne in mind that in planning appeals the parties are normally expected to meet their own expenses, irrespective of the outcome of the appeal, and that costs are awarded only on grounds of unreasonable behaviour. Accordingly, I have considered the application for costs in the light of Circular 2/87, the appeal papers, the evidence submitted by the parties and all the relevant circumstances of this appeal.

20. From the report to the Development Control Committee of 27 April 1989, it is clear that members' attention was drawn to many matters, including the Development Plan policies, the views of the Parish Council, third parties and other consultees, to national policies and to site considerations. The extant planning permission is referred to at an early stage and nearly an entire page is devoted to it, with extracts of the Inspector's decision letter quoted. Later on, the Chief Planning Officer states that due weight must be given to this existing permission, and that the appeal proposal should be "set against" that scheme, to establish whether or not it would have a greater impact upon the surroundings. He also notes that petitioners who had objected to the appeal proposal had not stated whether they had taken into account the existing permission, but it is clear that he had done so.

21. I am satisfied that Council members read the report and studied all the references to the previous decision. They are the local representatives, and I have no reason to doubt that they know the site and its surroundings. Nor do I doubt that they had regard to all the other material considerations besides the Development Plan, properly taking into account the extant planning permission and its implications. I do not accept that they slavishly followed their Development Plan policies, but I conclude that instead they came to a reasonable decision in a responsible manner.

22. By the time of the arranged meeting, jurisdiction for the determination of the application had been transferred to the Secretary of State, and this limited the value of any further discussion on the matter with the Council. The Council say that they had arranged a meeting, and there are no grounds for an award of costs on this point.

## FORMAL DECISION ON COSTS

23. For the reasons given, and in exercise of the powers transferred to me, I hereby determine that your application for costs on behalf of your clients against the Dacorum Borough Council be refused.

I am, Gentlemen  
Your obedient Servant

*Richard E. Hollox*

RICHARD E HOLLOX BA(Hons) BSc(Econ)(Hons) MPhil FRTPI FRICS  
Inspector

**APPEARANCES**

**FOR THE APPELLANTS**

Mr C Katkowski

- of Counsel, instructed by Grimley J R Eve, Chartered Surveyors, 11 Hill Street, London, W1X 7FB.

He called:

Mr S H Robinson MA FRICS

- Partner, Grimley J R Eve, Chartered Surveyors.

**FOR THE PLANNING AUTHORITY**

Mrs A Walker

- Senior Solicitor, Dacorum Borough Council.

She called:

Mr G J Alexander DipTP MRTPI

- Senior Planning Officer, Dacorum Borough Council.

**INTERESTED PERSON**

Mr Ray Desborough

- Vice-Chairman, Wigginton Parish Council.

**DOCUMENTS**

- Document 1 - List of persons present at the inquiry.
- Document 2 - Council's notification of inquiry with circulation list, 18 December 1989.
- Document 3 - Eight letters of objection to appeal proposal.
- Document 4 - Letter of support for proposal from Canon Basil H Jones, 4 January 1990.
- Document 5 - Appendices submitted by Mr Robinson.
- Document 6 - Hildesley Court brochure.
- Document 7 - Appendices submitted by Mr Alexander.
- Document 8 - Council's suggested conditions.
- Document 9 - Extracts JPL December 1989: Barnet Meeting Room Trust v Secretary of State for the Environment and Another.
- Document 10 - Extracts JPL 1989 Cranford Hall Parking Ltd v Secretary of State for the Environment and Hounslow London Borough Council.

DOCUMENTS (CONTINUED)

Document 11 - Extracts 3 PLR Poundstretcher Ltd and Another v Secretary of State for the Environment and Another.

Document 12 - Copy of letter from Grimley J R Eve to Borough Council, 12 May 1989.

PLANS

Plan A - 708-49 - Location Plan.

Plan B - 708-70/a - Site Layout.

Plan C - 708-71 - Elevations.

Plan D - 708-72 - Elevations.

Plan E - 708-73 - Elevations.

Plan F - 708-74 - Elevations.

Plan G - 708-75 - Two bed House Type A.

Plan H - 708-76 - Two bed House Type A.

Plan J - 708-77 - Two bed House Type B.

Plan K - 708-78 - Two bed House Type B.

Plan L - 708-79 - Two bed House Type B.

Plan M - 708-80 - Three bed House Type C.

Plan N - 708-81 - Three bed House Type D.

Plan P - 708-82 - Survey.

Plan Q - Illustrative plan May 1985 Revision A.



DATED

23rd September

1988

DACORUM BOROUGH COUNCIL

and

RALPH EGGLETON

and

EILEEN JUNE EGGLETON

AGREEMENT

under s.52 of the Town and Country  
Planning act 1971 and s.33 of the  
Local Government (Miscellaneous  
Provisions) Act 1982

Relating to development at  
land at corner of  
Wick Road/Osbourne Way  
Wigginton  
Hertfordshire

Keith Hunt  
Borough Secretary  
Dacorum Borough Council  
Civic Centre  
Hemel Hempstead  
Herts  
HP1 1HH

Ref: TM/SS/32/126/116/BS6A/6.88



SIGNED SEALED and DELIVERED )  
by the said RALPH EGGLETON )  
in the presence of :-

R. Eggleton

*at Waverley* Waverley of Melksham Road  
Hemel Hempstead Herts  
Solicitor.

SIGNED SEALED and DELIVERED )  
by the said EILEEN JUNE  
EGGLETON in the presence  
of :-

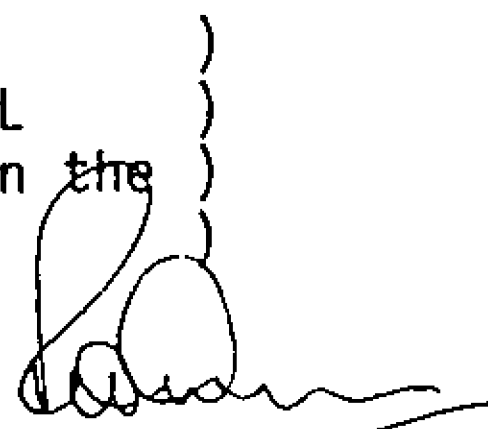
E. J. Eggleton

*at Waverley*  
Waverley of Melksham Road  
Hemel Hempstead Herts  
Solicitor.

2. Application for approval in respect of all matters reserved in Condition 1 above shall be made to the local planning authority within a period of three years commencing on the date of this notice and the development to which this permission relates shall be begun by not later than whichever is the later of the following dates:-
- (i) the expiration of a period of five years commencing on the date of this notice;
  - (ii) the expiration of a period of two years commencing on the date upon which final approval is given by the local planning authority or by the Secretary of State or in the case of approval given on different dates the final approval by the local planning authority or the Secretary of State.
3. Details submitted in accordance with Condition 1 hereof shall restrict the habitable floor space to 80m<sup>2</sup>
4. Notwithstanding the provisions of the Town & Country Planning General Development Order 1977 or any amendments thereto there shall be no extension or addition to the buildings hereby permitted without the express written permission of the local planning authority.

IN WITNESS where of the parties hereto have fixed their respective Common Seal and hand the day and year first before written

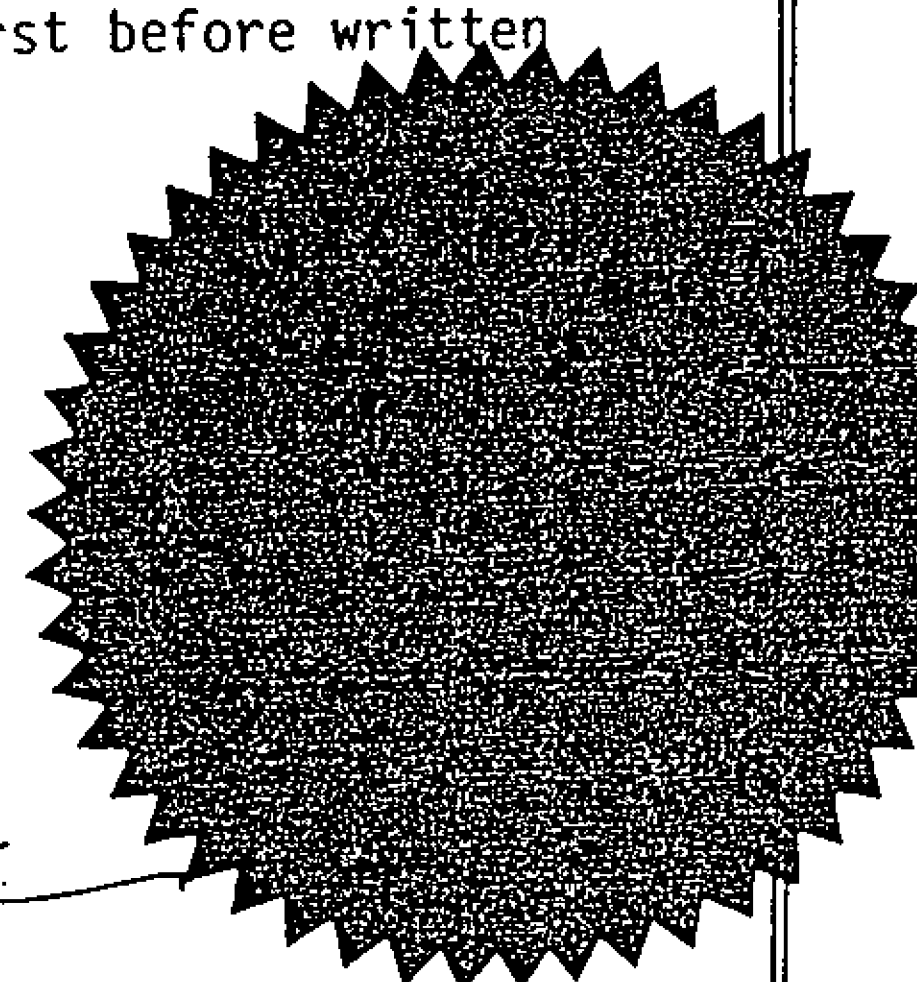
THE COMMON SEAL of  
DACORUM BOROUGH COUNCIL  
was hereunto affixed in the  
presence of :-



Chief Executive



Assistant Secretary  
(Admin)



1926

3. THE Owners hereby covenant with the Council:

- (a) that the Owners or the surviving Owner shall be the first occupants of the proposed dwelling.
- (b) that the dwelling will be designed and built to cater for the needs of the disabled and in particular that the following facilities shall be provided:
  - (i) concrete wheelchair ramps at every access to the property
  - (ii) wide doorways and corridors to accommodate a wheelchair
  - (iii) a bathroom and toilet adapted for use by someone in a wheelchair
  - (iv) all electricity sockets and light switches to be at a level convenient to someone in a wheelchair
  - (v) all the kitchen work surfaces to be at a level which can be reached by someone in a wheelchair
  - (vi) a security system with a panic button device in every room
- (c) that the dwelling shall remain single storey only
- (d) the Owners also hereby covenant with the Council to pay the sum of £80 for the preparation of the Agreement on the signing hereof

4. This agreement will be registered as a local land charge

#### THE SCHEDULE

1. The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, design, landscaping and external appearance of the buildings and means of access thereto which shall have been approved by the local planning authority or in default of agreement by the Secretary of State.

THIS AGREEMENT is made the 23<sup>rd</sup> day of September One thousand nine hundred and eighty-eight BETWEEN DACORUM BOROUGH COUNCIL (hereinafter called "the Council" of Civic Centre Marlowes Hemel Hempstead Hertfordshire of the first part and RALPH EGGLETON and EILEEN JUNE EGGLETON (hereinafter called "the Owners") of 4 The Bit Wigginton Tring Hertfordshire of the second part

WHEREAS:

- (1) The Council is the local planning authority for the purposes of the Town and Country Planning Act 1971 for the district of Dacorum
- (2) The Owners have made application to the Council for outline planning permission for development under reference number 4/0409/88 the development consisting of the erection of one single storey dwelling (hereinafter called "the dwelling") at land at the corner of Wick Road and Osbourne Way Wigginton Hertfordshire (hereinafter called "the site") shown edged red on the plan attached
- (3) The Owners are the owners in fee simple absolute in possession of the unencumbered freehold interest in the site

NOW THIS DEED WITNESSETH as follows:

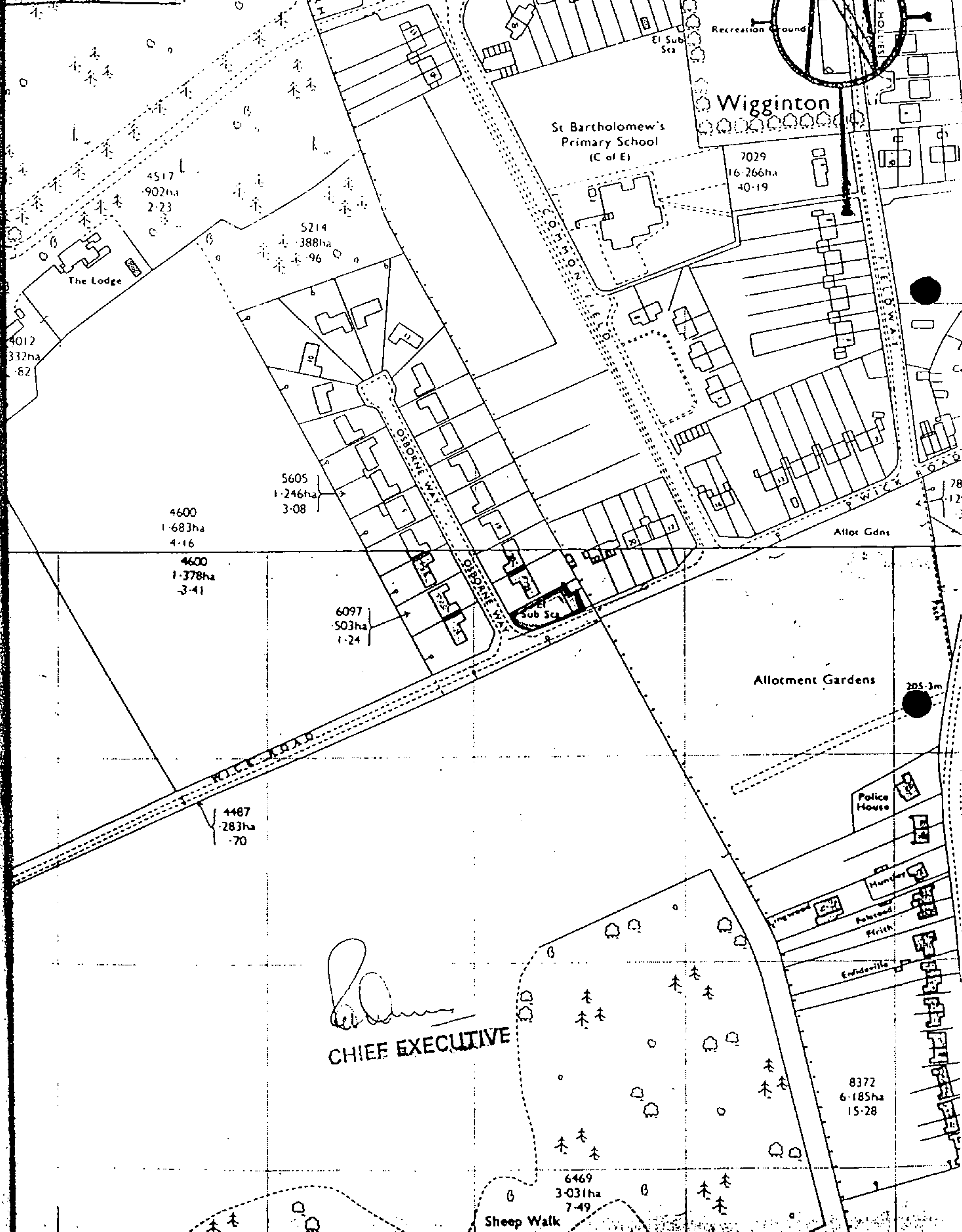
1. THIS Agreement and the covenants herein contained are expressly made pursuant to s.52 of the Town and Country Planning Act 1971 and s.33 of the Local Government (Miscellaneous Provisions) Act 1982
2. IN consideration of the covenants on the part of the Owners hereinafter contained the Council hereby covenants with the Owners that the Council will forthwith grant outline planning permission in respect of the development subject to the conditions set out in the Schedule hereto

4/04.09/88

- 4 MAR 1988

st House Wood

ADONIS BOROUGH COUNCIL  
6-736ha  
Planning Services Department  
16-17  
ATE 4/3/88  
Reproduced from (or based  
on) the Ordnance Survey Map  
at the direction of the Controller  
H.M. Stationery Office. Crown  
Copyright reserved.



3. THE Owners hereby covenant with the Council:

- (a) that the Owners or the surviving Owner shall be the first occupants of the proposed dwelling
- (b) that the dwelling will be designed and built to cater for the needs of the disabled and in particular that the following facilities shall be provided:
  - (i) concrete wheelchair ramps at every access to the property
  - (ii) wide doorways and corridors to accommodate a wheelchair
  - (iii) a bathroom and toilet adapted for use by someone in a wheelchair
  - (iv) all electricity sockets and light switches to be at a level convenient to someone in a wheelchair
  - (v) all the kitchen work surfaces to be at a level which can be reached by someone in a wheelchair
  - (vi) a security system with a panic button device in every room
- (c) that the dwelling shall remain single storey only
- (d) the Owners also hereby covenant with the Council to pay the sum of £80 for the preparation of this Agreement on the signing hereof

4. This agreement will be registered as a local land charge

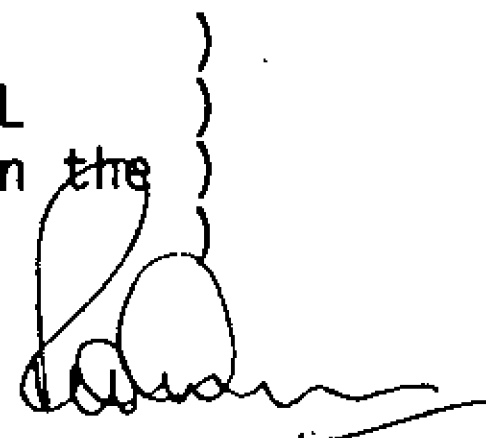
#### THE SCHEDULE

- 1. The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, design, landscaping and external appearance of the buildings and means of access thereto which shall have been approved by the local planning authority or in default of agreement by the Secretary of State.

2. Application for approval in respect of all matters reserved in Condition 1 above shall be made to the local planning authority within a period of three years commencing on the date of this notice and the development to which this permission relates shall be begun by not later than whichever is the later of the following dates:-
  - (i) the expiration of a period of five years commencing on the date of this notice;
  - (ii) the expiration of a period of two years commencing on the date upon which final approval is given by the local planning authority or by the Secretary of State or in the case of approval given on different dates the final approval by the local planning authority or the Secretary of State.
3. Details submitted in accordance with Condition 1 hereof shall restrict the habitable floor space to 80m<sup>2</sup>
4. Notwithstanding the provisions of the Town & Country Planning General Development Order 1977 or any amendments thereto there shall be no extension or addition to the buildings hereby permitted without the express written permission of the local planning authority.

IN WITNESS where of the parties hereto have fixed their respective Common Seal and hand the day and year first before written

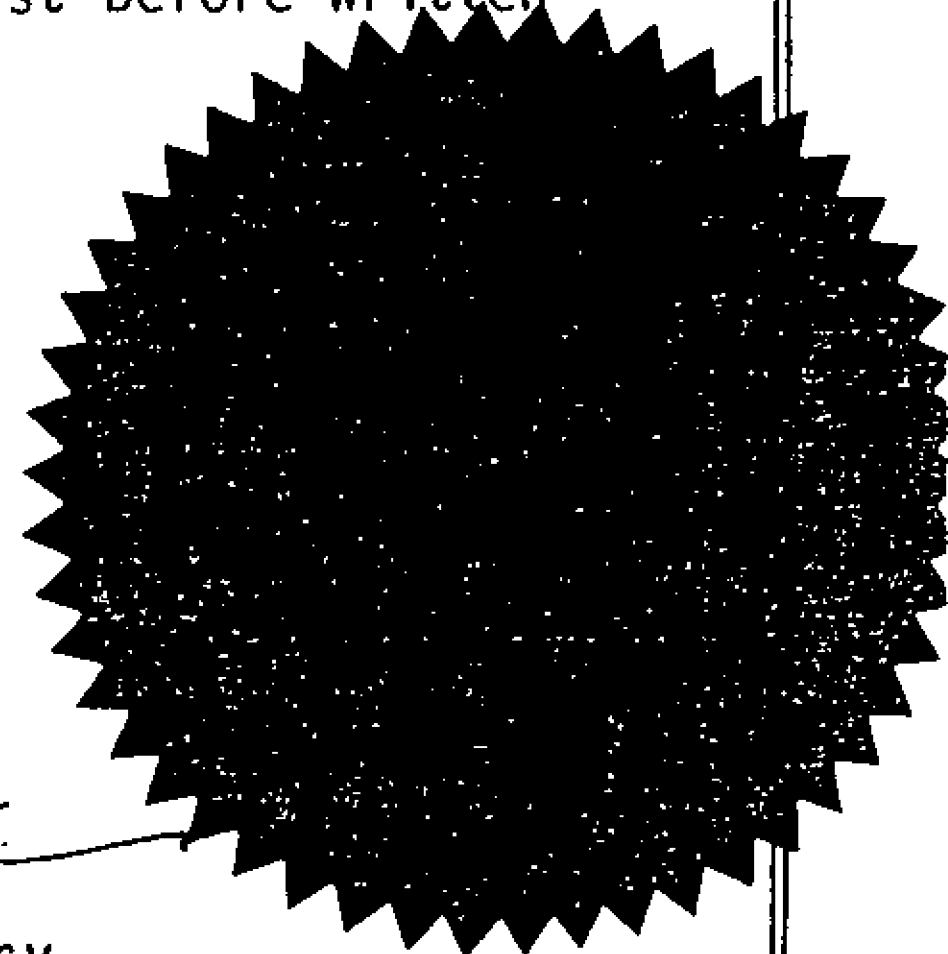
THE COMMON SEAL of  
DACORUM BOROUGH COUNCIL  
was hereunto affixed in the  
presence of :-



Chief Executive



Assistant Secretary  
(Admin)



1926



SIGNED SEALED and DELIVERED )  
by the said RALPH EGGLETON )  
in the presence of :-

R. Eggleton

*at Waverly* Waverly of Melkand Road  
Hemel Hempstead Herts  
Solicitor.

SIGNED SEALED and DELIVERED )  
by the said EILEEN JUNE  
EGGLETON in the presence  
of :-

E. J. Eggleton

*at Waverly*

Waverly of Melkand Road  
Hemel Hempstead Herts

Solicitor

DATED

*23rd September*

1988

DACORUM BOROUGH COUNCIL

and

RALPH EGGLETON

and

EILEEN JUNE EGGLETON

**AGREEMENT**

under s.52 of the Town and Country  
Planning act 1971 and s.33 of the  
Local Government (Miscellaneous  
Provisions) Act 1982

Relating to development at  
land at corner of  
Wick Road/Osbourne Way  
Wigginton  
Hertfordshire

Keith Hunt  
Borough Secretary  
Dacorum Borough Council  
Civic Centre  
Hemel Hempstead  
Herts  
HP1 1HH

Ref: TM/SS/32/126/116/BS6A/6.88

TOWN AND COUNTRY PLANNING ACT 1971

NOTICE IS HEREBY GIVEN THAT

MR BAGSHAW

THE INSPECTOR, APPOINTED BY

THE SECRETARY OF STATE FOR THE ENVIRONMENT

UNDER PARAGRAPH 1(1) OF SCHEDULE 9 TO THE TOWN AND COUNTRY PLANNING ACT 1971

TO DETERMINE THE APPEAL,

WILL ATTEND AT

COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD

ON

TUESDAY 9 JANUARY 1990, AT 10.00 AM

TO HOLD A LOCAL INQUIRY INTO THE APPEAL BY

PLANWELL PROPERTIES (HERTS) LTD AGAINST THE FAILURE OF DACORUM BOROUGH COUNCIL TO DECIDE, WITHIN THE PRESCRIBED PERIOD, AN APPLICATION FOR PERMISSION FOR THE RESIDENTIAL DEVELOPMENT OF 23 UNITS ON THIS SITE NAMELY: HIGHFIELD ROAD, WIGGINTON, TRING.

D A C MARSHALL

AN ASSISTANT SECRETARY IN THE DEPARTMENT OF THE ENVIRONMENT



DACORUM BOROUGH COUNCIL

To Mr J Clough  
18 Gravel Path  
Berkhamsted  
Herts

Fuller Hall & Foulsham  
81A Marlowes  
Hemel Hempstead  
Herts

...Erection of ten elderly persons flats.....  
.....  
at 18 Gravel Path Berkhamsted Herts  
.....  
.....

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 7.10.88 and received with sufficient particulars on 7.10.88 and shown on the plan(s) accompanying such application.

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

1. There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.
2. The existing access from Gravel path to serve the rear parking area is sub-standard in width, and increased use as a result of the proposed development is likely to give rise to conditions prejudicial to highways safety.
3. There is insufficient provision within the site for the turning of vehicles in order that they may enter and leave the site in a forward gear.
4. The proposal represents a gross overdevelopment of this prominent corner site which cannot satisfactorily accommodate the necessary vehicle parking facilities together with some satisfactory provision of amenity space for use by residents.

Dated ..... day of ..... /Contg.....

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.

Plan Number 4/1868/88      Reasons for refusal continued.

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5. The proposed development, by reason of south-west facing windows, would cause an undue loss of privacy to occupants of adjacent dwellings.
6. The design of the proposed building so far as the external appearance is concerned is below the standard required for this prominent corner site, having regard to the overall character of the area as set by the existing Victorian dwellings.

Dated      the 15th day of December 1988

Signed



CHIEF PLANNING OFFICER

attractive Victorian dwellings. However a refusal on design grounds alone might be difficult to uphold on appeal.

RECOMMENDATION - That planning permission be REFUSED (on form DC4) for the following reasons:

1. There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.
2. The existing access from Gravel Path to serve the rear parking area is sub-standard in width, and increased use as a result of the proposed development is likely to give rise to conditions prejudicial to highways safety.
3. There is insufficient provision within the site for the turning of vehicles in order that they may enter and leave the site in a forward gear.
4. The proposal represents a gross overdevelopment of this prominent corner site which cannot satisfactorily accommodate the necessary vehicle parking facilities together with some satisfactory provision of amenity space for use by residents.
5. The proposed development, by reason of south-west facing windows, would cause an undue loss of privacy to occupants of adjacent dwellings.
6. The design of the proposed building so far as the external appearance is concerned is below the standard required for this prominent corner site, having regard to the overall character of the area as set by the existing Victorian dwellings.

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