

TOWN & COUNTRY PLANNING ACTS, 1971, and 1972



LA If the applicant is not satisfied with the decision of the local planning authority to refuse permission for the proposed development, subject to the provisions of the Environment Act 1971, within six months of the receipt of this notice, (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Folgate House, Houlton Street, Bristol, BS1 2QJ). 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 exist in the case.

To Mr Lambert/Mr Murray
78 Wellington Street
Luton
LU1 5AA

Attfield & Jones
Lowfield House
Brockley Road
Hoddesdon
Herts EN11 8PB

Residential development (outline)
at Able farm Old Watling Street, Flamstead

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 14.10.88 and received with sufficient particulars on 31.10.88 and shown on the plan(s) accompanying such application.

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

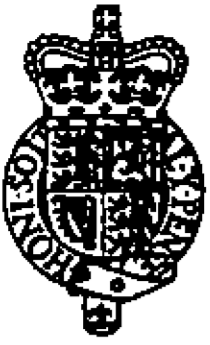
- 1. The site is within a rural area beyond the Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small 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.
- 2. The development of the site for residential purposes would constitute a major visual intrusion in an area of predominantly open countryside to the detriment of the appearance and character of the area.

Dated 12th day of January 19 89

Signed [Signature]

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.



Planning Inspectorate
Department of the Environment

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JDN
JCS

Attfield and Jones Lowfield House Brocket Road HODDESDON Hertfordshire EN11 8PB	PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						Your reference 3028
	Ref.			Ack.			Your reference
	C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
	Date						APP/A1910/A/89/119940/P8
Received						5 SEP 1989	-4 SEP 89
Comments							

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MR LAMBERT AND MR McMURRAY
 APPLICATION NO: 4/1990/88

- 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 decision of the Dacorum Borough Council to refuse outline planning permission for residential development at Able Farm, Old Watling Street, Friars Wash, Near Flamstead, Hertfordshire. I have considered the written representations made by you and by the Council and also those made by Flamstead Parish Council and interested persons. I inspected the site on 15 August 1989.
- Having inspected the appeal site and surroundings and considered the representations, it is clear to me that the main issue in this case is the effect of the proposal upon the appearance and character of the locality, having regard to planning policies relating to development in rural areas.
- The appeal site lies on a section of Old Watling Street which has been by-passed by the A5. At the eastern end of this part of the road is a transport depot and public house while its western end backs onto the Hertfordshire Moat House Hotel. Opposite the appeal site is a row of houses and there is a single house, 'The Paddock', adjoining the frontage of the site. The remaining land on 3 sides of the site is in agricultural use. The appeal relates to an area of about 2.14 ha, having a frontage of about 70 m to Old Watling Street. The greater part of this land is pasture and at the time of my visit there were sheep, cattle and a horse there. On the front parts of the land were a variety of sheds, a caravan and items of farm machinery.
- The site lies within a rural area beyond the Green Belt and Structure Plan policies make a presumption against development in such areas except where strictly necessary for agricultural, forestry or local community purposes. These policies are reiterated in the Dacorum District Plan which refers to the need to give priority to agriculture, the preservation of areas of open countryside and the protection of the landscape in such localities. The Flamstead Parish Council has objected to the appeal development on policy grounds and the occupier of 'The Paddock' believes that it would harm her outlook and privacy, detract from the character of the area and lead to traffic problems.
- Having viewed this part of Old Watling Street, I find that its character is pleasant and semi-rural, despite its proximity to the busy A5. Because that

road lies at a lower level and is well screened by trees, the traffic and roadside uses such as the hotel and transport depot do not impinge greatly upon the immediate surroundings of the appeal site. It is national policy, as stated in PPG7, that development in the open countryside should be carefully controlled. The appeal proposal is not for dwellings required for any specific local purpose. Neither is the site within an existing group of houses, in fact it is isolated from other buildings on that side of the road except for 'The Paddock'. I consider that its development would be contrary to planning policies and that it would detract from the rural character of the locality by extending buildings and gardens into an area which is at present open farmland.

6. I have taken into account your point that development of the site would achieve the removal of the untidy buildings which are there at present and that your clients would be prepared to limit the scheme to 3 dwellings on the frontage only. However, the existing buildings are well screened by trees and the raised land level and I do not find them a prominent eyesore. The construction of dwellings would be likely to involve the opening up of the frontage to provide access and the resulting development would, in my opinion, be visually more intrusive than the present use.

7. I have had regard to all the representations but there are no points which outweigh the conclusion that planning permission should not be granted in this case.

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

I am Gentlemen
Your obedient Servant

J. Jones

MRS J JONES MA DipTP MRTPI
Inspector

County Surveyor

Comments awaited

CONSIDERATIONS - The application site lies in a rural area where there is a strong presumption against residential development. Planning permission for a dwelling on this holding was granted in 1960; this was erected and subsequently sold separately from the land. An application to station a caravan on the site was refused in 1978 and subsequently dismissed on appeal. Proposals for a dwelling on the land have been refused in 1974 and 1979. In addition, a caravan which had been stationed on the site since 1974 without planning permission was the subject of an Enforcement Notice served in July 1976. The Notice became effective in August 1976 and was only complied with under threat of prosecution in October 1977. An application for a mobile home on the site was also refused in April 1987. The main considerations are the impact that the proposal would have on the surroundings and whether the removal of the unsightly buildings from the land would constitute a sufficient justification for a major departure from rural policy. Although the site is well screened from the road, it is very exposed at the rear. Any development would clearly represent an intrusion into open countryside. Some alterations to the existing access, or even a new access, may be necessary to serve a residential development. This will in turn alter the character of the more "rural" side of Old Watling Street. The scatter of buildings on site is reasonably well screened, and could always be removed without the necessity to develop the land. Consequently, in terms of environmental impact and a clear conflict with policy, refusal is strongly recommended.

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

1. 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.
2. The development of the site for residential purposes would constitute a major visual intrusion in an area of predominantly open countryside to the detriment of the appearance and character of the area.

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