

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To D H Deacon  
Bank Mill Lane  
Berkhamsted  
Herts

..... One Dwelling (Outline) .....
..... at Land off Bank Mill Lane, Berkhamsted .....
.....

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 ..... 18. November 1988 ..... and received with sufficient particulars on ..... 21. November 1988 ..... 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 the Metropolitan 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 erection of a dwelling on this site would constitute an undesirable form of sporadic development adversely affecting the rural character of the surrounding area and if permitted would encourage similar proposals on nearby land to the south-east of the built-up edge of Berkhamsted.

/Continued on attached sheet...

Dated ..... day of ..... 19

Signed..... *Wm Barnard*

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

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.

Reasons /Cont'd...

- (3) No information is provided relating to vehicular access to the application site. The provision of a new vehicular access and associated sight lines would be likely to result in the loss of the existing boundary hedge to Bank Mill Lane to the detriment of the rural character of the locality.

Dated 23 day of February 1989

Signed ..... *John B. ...* .....

Designation ..... CHIEF PLANNING OFFICER .....

County Surveyor

Comments awaited.

CONSIDERATIONS - The site is located within the Green Belt where permission will not normally be given for development for purposes other than that required for mineral extraction, agriculture, small-scale facilities for participatory sport or recreation, or other uses appropriate to a rural area, or for the use for hospital or similar institutional purposes of existing large residential buildings situated in extensive growth. No evidence has been provided to substantiate any justification for the proposed dwelling at this smallholding. In addition, the site is located within an attractive area on the urban fringe of Berkhamsted where the erection of new buildings has to be carefully assessed. To grant permission for the erection of a new dwelling on this site would consolidate sporadic development to the detriment of the visual amenity of the locality, although it is recognised that the site is currently semi-derelict in condition. Despite the long-standing problems associated with the appearance of the site the applicant has made some attempt to tidy up the site in view of the need to comply with the terms of the S.65 Notice. Although the Notice expires on 22 May 1989, in view of the progress that has been made it is likely that Mr Deacon will seek a further three months to complete the works as a result of which the site should appear more satisfactory. In view of this change in the appearance of the site, the present derelict condition of the site is not a justification for setting aside Green Belt policies as the site will, in time, make a more valuable contribution to the overall appearance of the locality. To permit the development would be contrary to policy for Green Belt and environmental reasons and set a most dangerous precedent for other similar proposals within the locality. Members will recall that in December 1988 an application (ref: 4/1834/88) was refused for a Category 1 residential development at land adjoining "New Lodge" for, inter alia, Green Belt and environmental reasons.

It must be concluded that the application should be refused for reasons relating to Green Belt policy, the environmental impact and highways reasons, similar to planning refusal 4/0372/81.

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

1. The site is within the Metropolitan 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 erection of a dwelling on this site would constitute an undesirable form of sporadic development adversely affecting the rural character of the surrounding area and

if permitted would encourage similar proposals on nearby land to the south-east of the built-up edge of Berkhamsted.

3. No information is provided relating to vehicular access to the application site. The provision of a new vehicular access and associated sight lines would be likely to result in the loss of the existing boundary hedge to Bank Mill Lane to the detriment of the rural character of the locality.

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NORTHGATE  
DOCUMENT STAMPED  
TO ENSURE DETECTION  
BY SCANNER