

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

MR



DACORUM BOROUGH COUNCIL

To Mr W Adams
Ivy Cottage
Water Lane
Bovingdon

Mr D Clarke
47 Gravel Lane
Hemel Hempstead, Herts

..... Detached Dwelling
.....
at Adjacent Ivy Cottage, Water Lane, Bovingdon.
.....

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 8.12.88 and received with sufficient particulars on 15.12.88 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 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 proposed dwelling will add to an isolated group of houses in the countryside and will therefore detract from the rural character and appearance of the area.

Dated Second day of February 1989

Signed [Signature]

Chief Planning Officer

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.

2 FEB 1989

4/2261/88. DETACHED DWELLING.
ADJACENT IVY COTTAGE, WATER LANE, BOVINGDON.
APPLICANT: MR W ADAMS

DESCRIPTION - The application site forms part of the garden of Ivy Cottage. To the south-west of the site is the cottage, to the north-east is a recently extended bungalow and two other dwellings, together with rose garden to the south-east, all forming an isolated pocket of development in the Green Belt. The dwellings all front Water Lane and the proposed dwelling would utilise an existing access of Water Lane. The site is some 18 m wide by 120 m long and a two storey 2-bedroom dwelling 6.5 m north-east of the existing cottage is proposed. There is tree and hedge screening to the front and north of the site.

POLICIES

Hertfordshire County Structure Plan 1986 Review

Green Belt; Policy 1

Dacorum District Plan

Within Metropolitan Green Belt; Policies 1, 3 and 4

REPRESENTATIONS

Bovingdon Parish Council

Objects on Green Belt grounds. Also, no garage is shown and there is no reason why the application should be passed.

CONSIDERATIONS - The site is in the Metropolitan Green Belt where permission will not normally be given for new development unless it is for agricultural or other essential purposes appropriate to a rural area. An outline application for one dwelling adjacent and to the south of Ivy Cottage was refused in 1987 because of its impact within this rural area and because it was contrary to Green Belt policy. It appears that the applicant proposes to live in the new house whilst giving over the existing cottage to relatives who may be experiencing accommodation problems. However this cannot constitute a planning justification in terms of Green Belt policy as the need for a new dwelling is not compatible with that Policy.

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 proposed dwelling will add to an isolated group of houses in the countryside and will therefore detract from the rural character and appearance of the area.

* * *

NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER