

ADMINISTRATIVE COUNTY OF HERTFORD.

The Council of the ~~Hertfordshire~~
~~Hertfordshire~~
RURAL DISTRICT OF Hemel Hempstead.

TOWN & COUNTRY PLANNING ACT, 1947

To Messrs. Alfred Robinson (Builders & Contractors) Ltd.,
386/388, Kenton Road, Kenton,
Harrow, Middx.

Use of land for residential development
at Green Lane, Bovington, Herts.
(Parcel 179 on OS. HERTS.XXXV111.1)

Brief description and location of proposed development.

In Pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, and under the COUNTY OF HERTFORD (Delegation of Planning Functions) Scheme, 1952, the Council on behalf of the Local Planning Authority hereby refuse the development proposed by you in your application dated 20/1/62 and received with sufficient particulars on 22/1/62 and shewn on the plan(s) accompanying such application.

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

The site of the proposed development is in the village of Bovington which itself is within an extension to the Metropolitan Green Belt, proposed by the Local Planning Authority under Circular 42/55 and intended to be incorporated into the County Development Plan at the review in 1963.

Under the Local Planning Authority's policy for the Green Belt, Bovington is a "listed" village in which further residential development generally is permitted only where this would constitute limited infilling in the core of the village. The proposed development by 40 dwellings would be neither in extent nor siting, infilling within the intentions of the said Green Belt Policy. The proposed development would, therefore, result in a large amount of new residential development which is not justified by any demand arising from the needs of the local community. It would be contrary to, and prejudicial to the Local Planning Authority's Green Belt Policy, the purpose of which is to restrict residential development to that essential to serve the needs of the local community, and to prevent the influx of further population into the Green Belt.

Dated 3rd day of April 1962,

Clerk/Surveyor of the Council.

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 by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 16 of the Town and Country Planning Act, 1947. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such 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 provisions of Section 14 of the Act and 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 Minister of Housing and Local Government, 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 Council of the County Borough or County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 19 of the Town and Country Planning Act, 1947.

(3) In certain circumstances, a claim may be made against the local planning authority or the Minister of Housing and Local Government for compensation, where permission is refused, or granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 20 of the Town and Country Planning Act, 1947, and Part II of the Town and Country Planning Act, 1954.

MINISTRY OF HOUSING AND LOCAL GOVERNMENT

Whitehall, London S.W.1.

2142/A/58419
W/132-62

1 FEB 63

23rd November 1962.

Sir,

Town and Country Planning Act, 1947 - Section 16
Land at Green Lane, Bovington
Appeal by Mrs. E. M. Stone, Mrs. J. ... Burgin and Mr. J. W. Adkins
on behalf of Messrs. Alfred Robinson (Builders and Contractors) Ltd.

I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. J. P. Chalke, F.R.I.C.S., F.A.I., on the local inquiry into your clients' appeal against the decision of the Hemel Hempstead Rural District Council, acting on behalf of the Hertfordshire County Council, to refuse permission for the residential development of land at Green Lane, Bovington.

2. The Inspector, a copy of whose report is enclosed, said that in view of the proximity of the site to the village centre and its relation to surrounding development, its use for residential purposes would result in a reasonable and natural rounding off of the area bounded by Chesham Road, High Street, Green Lane and Hyde Lane. He thought, however, that particular care should be paid to the number of units permitted, the layout generally and the individual siting. He recommended that the appeal be allowed.

3. The Minister notes that although the application was accompanied by a plan indicating a layout and the number of houses which might be built on the site, at the inquiry the appellants stated that they intended the application to be in outline only. In the circumstances, the Minister has dealt with the appeal on the basis of an outline application.

4. The Minister accepts his Inspector's recommendation. Although the appeal site is rather large for "infilling" in the normal sense, he notes that it is close to the centre of the village and that it is virtually surrounded by existing development. In these circumstances the Minister does not think there can be any objection in principle, on green belt grounds or otherwise, to the use of the land for housing. As to whether it should be developed now, or reserved for future local needs as the council have maintained, the Minister accepts that the site is more than is required for the present housing needs of the village itself, and he appreciates the force of the council's view that if it is all used up now it will be more difficult ultimately to provide for local housing needs without encroaching upon the green belt. The Minister does not, however, consider this factor decisive for the purpose of this appeal. Given that the appeal site is suitable for development and accepting the general need for housing land at the present time, he thinks it would be unreasonable to withhold permission for its development now solely in order to provide for the housing needs of the village at some future time. If the local authority consider that land should be reserved for future housing needs, they have other means of doing so at their disposal. The Minister does not see that the development of the whole of the appeal site need harm the character of the village, if proper care is taken over the design and layout of the scheme.

5. The Minister has therefore decided to allow your clients' appeal. He hereby grants permission for the residential development of the appeal site subject to the condition that the number of dwellings, their siting, design and external appearance and the means of access shall be as may be agreed with the local planning authority in consultation with the highway authority, or in default of agreement, as shall be determined by the Minister.

6. This letter does not purport to convey any approval or consent which may be required under any enactment (including any byelaws, orders or regulations) other than section 12 of the Town and Country Planning Act, 1947.

I am, Sir,
Your obedient Servant,

Howard Sharp, Esq., F.A.I.,
1285, High Road,
Whetstone, N.20.

(MISS E. M. BARBER)
Authorised by the Minister
to sign in that behalf.