

H.C.C. Code No. W/377/64

L.A. Ref. No. 5341

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the ~~Borough of~~

~~Urban District of~~

RURAL DISTRICT OF Hemel Hempstead.

TOWN & COUNTRY PLANNING ACT, 1962

To Mr. P.G. Mitchell,
Foxdell Farm,
Luton Road,
Markyate,
Herts.

Use of land for the erection of one dwelling

at off Luton Road, Markyate, Herts.
(Part Parcel 104 on OS. HERTS. XV111.16.)

Brief description and location of proposed development.

In pursuance of their delegated powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council on behalf of the Local Planning Authority hereby refuse the development proposed by you in your application dated 1/2/64 and received with sufficient particulars on 2/2/64 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 is within the Metropolitan Green Belt where it is the policy of the Local Planning Authority not to allow development unless it is required for agricultural or allied purposes. No such need has been proved.

Dated 7th day of April 19 64

Clerk/Secretary of the Council. [Signature]

NOTE.

(1) If the applicant wishes to have an explanation of the reasons for this refusal it will be given on request and a meeting arranged if necessary.

(2) 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 23 of the Town and Country Planning Act, 1962. 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 provision of Section 17(1), 18(1) and 38 of the Act and of the Development Order and to any directions given under the Order.

(3) 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 District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 129 of the Town and Country Planning Act, 1962.

(4) 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 123 and Part VI of the Town and Country Planning Act, 1962.



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: *Locoplan, Parl, London*

Telephone: ABBey 5620 , ext.

Please address any reply to

THE SECRETARY

and quote: APP/2142/A/83098

Your reference: WJC/DMC

RM
15 JAN 1965

Gentlemen,

Town and Country Planning Act 1962: Section 23

Appeal by Mr. P. G. Mitchell

Application No. W/377/64

I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. C. I. Beecroft, A.R.I.B.A., Dip.Arch., who held a local inquiry into your client's appeal against the refusal of Hemel Hempstead Rural District Council, acting on behalf of Hertfordshire County Council, to permit the erection of a bungalow on land at Foxdell Farm, Luton Road, Markyate, Herts.

2. A copy of the Inspector's report is enclosed.

3. The Inspector has no doubt that the appellant will continue to assist his son in running the farm, but he considers that as there is already a modern farmhouse there is no need for a further dwelling on agricultural grounds, particularly as the site is shown on the approved county development plan as being in an area where it is intended that the existing uses of land should remain for the most part undisturbed. The land is also within the proposed extension of the Metropolitan Green Belt where it is against the policy of the local planning authority to allow any further residential development. The application for a bungalow is strongly supported on medical grounds and the Inspector is satisfied that it is essential for the appellant's wife to live in a bungalow rather than her present house. He does not consider, however, that the site selected is the only one suited for the development proposed. He recommends that the appeal be dismissed.

4. The appellant's reasons for wanting to build a bungalow on the farm are appreciated. It may be found practicable to provide self-contained accommodation on the ground floor of his existing house but, if not, it is considered that the need for the appellant to live at Foxdell Farm, now owned by his son, is not sufficient to justify the erection of a further dwelling there, contrary to the planning authority's policy for the area. The Minister has therefore decided to dismiss the appeal.

I am, Gentlemen,
Your obedient Servant,

(Signed) D. G. POMEROY

(D. G. POMEROY)
Authorised by the Minister
to sign in that behalf.

Messrs. Machin and Company
17/19 George Street West
Luton
Beds.