

H.C.C.
Code No. W/383/64
L.A.
Ref. No. 5349

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the ~~Borough~~
~~Hundred~~ DISTRICT OF
RURAL DISTRICT OF Hemel Hempstead

TOWN & COUNTRY PLANNING ACT, 1962

To Ackwell Developments Co.Ltd.,
C/o Simmonds Nurseries,
Chipperfield, Herts.

Use of land for residential development
at Croft Lane, Chapelcroft, Chipperfield, Herts.
(Parts Parcels 186a & 187 on OS.HERTS.XXXV111.7.)

Brief description and location of proposed development.

see DC1

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 12/2/64 and received with sufficient particulars on 14/2/64 and shewn on the plan(s) accompanying such application.

DIVISIONAL P.
25 MAY 1964
W.C.T.

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

Under the Local Planning Authority's Green Belt Policy, Chipperfield is a "listed" village within which only a limited amount of infilling development within the core of the village would comply with the provisions of the said policy. The proposed development would be contrary to the said policy because:—

- (a) Creft Lane is not one of the roads in the village within which infilling development is envisaged in the Appendix to the Written Statement of the Review of the County Development Plan, and
- (b) if there were no objection to the proposed development under (a), the amount of development proposed is much greater than can be reasonably construed as infilling within a partly developed frontage and the proposed development would, therefore, comprise a material addition to a Green Belt village, for which there is no justification.

Dated 5th day of May 1964

W. W. W. W.
Clerk/Surveyor of the Council.

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: VICTORIA 8540, ext.

Please address any reply to

THE SECRETARY

and quote: APP/2142/A/86979 and 86978

Your references

334/60

1997/60

367/59

600/51

6 APR 1965

Gentlemen,

Town and Country Planning Act 1962 Section 23
Appeals by Ackwell Development
Company Limited
Applications Nos. W/382/64 and W/383/64

I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. A.D. Owen, F.R.I.C.S., M.I.Mun.E., who held a local inquiry into your clients' appeals against the refusals of Hemel Hempstead Rural District Council, acting on behalf of Hertfordshire County Council, to permit:-

- (a) the residential development of about 13 acres of land at The Nursery, Chipperfield, (Application No. W/382/64), and
- (b) the erection of 10 semi-detached houses and 1 detached house on about 1 acre of land at Croft Lane, Chipperfield, being a part of site (a), (Application No. W/383/64).

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

3. The Inspector is of the opinion that the proposed development of the larger site would constitute a very major expansion of Chipperfield which would imply the setting aside of the green belt aims in this area. He does not think that the circumstances are so exceptional as to override the strong presumption against development on this scale. Much of the loss of productivity in the soil would appear to be the outcome of the working methods which, for nearly fifty years, have stripped large areas of top soil and have included no noticeable measures of replacement or regeneration. The Inspector does not think that this circumstance, of itself, gives the site a claim to housing development.

4. The Inspector considers that the replacement of the greenhouses by dwellinghouses on the smaller site in Croft Lane would not have any noticeable impact on the village character in appearance or in balance. In view of the built-up nature of the other Croft Lane frontages, the planning permission for shops which exists for part of the site, and the fact that fairly modest frontage development may be allowed in Chipperfield, the proposal to develop this site seems acceptable to the Inspector in principle. But although the 11 houses proposed would not, in his view, lower the tone of Croft Lane, second thoughts might produce a less rigid treatment. There are also some requirements of the highway authority to be safeguarded. In the circumstances the Inspector thinks

/that

Messrs. E. Randall and Rose
Solicitors
33, Sackville Street
London, W.1.



3005 - Reamy



that an outline planning permission granted as a partial allowance of the appeal on the larger site would be more satisfactory than to grant planning permission for the detailed layout on the smaller site. He accordingly recommends that the appeal on the larger site be allowed in part, and that the appeal in respect of the detailed application on the Croft Lane site be dismissed.

5. The Minister agrees with his Inspector's conclusions and accepts his recommendation. Accordingly the Minister allows the appeal arising from application No.W/382/64 to the extent that he hereby gives permission for the residential development of that part of the site having a frontage of about 330 feet to Croft Lane and an average depth of about 100 feet, subject to the condition that the number, siting, design and external appearance of the buildings and the means of access thereto shall be as may be agreed with the local planning authority or, in default of agreement, as shall be determined by the Minister. The Minister hereby dismisses the appeal arising from application No.W/383/64.

6. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 13 of the Town and Country Planning Act 1962.

I am, Gentlemen,
Your obedient Servant,

(Signed) D. G. POMEROY

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

