

ADMINISTRATIVE COUNTY OF HERTFORD.

The Council of the BOROUGH OF
URBAN DISTRICT OF
RURAL DISTRICT OF Berkhamsted.

TOWN & COUNTRY PLANNING ACT, 1947

To Mr. P.M. Gray, per A.A. Macfarlane, Esq., 36, Elmwood, Welwyn Garden City, Herts.

Erection of service dwelling with outbuildings, adjoining Ashleigh, Tinkers Lane, Champneys, Tring, Herts.

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 2nd. March, 1962, and received with sufficient particulars on 5th. March, 1962, and shewn on the plan(s) accompanying such application.

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

The proposed dwelling, by reason of its size, accommodation and siting, is considered by the Local Planning Authority to constitute a separate dwelling not necessary to the reasonable functioning of the adjoining dwelling "Ashleigh".

The site is within an area which will form part of the proposed extension to the Metropolitan Green Belt to be included in the review of the County Development Plan, and the proposed dwelling would, therefore, be contrary to the Local Planning Authority's Policy of the prevention of all further development except that justified for agricultural purposes or for exceptional reasons which the Local Planning Authority consider are not present in this case.

Dated 19th. day of July, 1962.

[Handwritten signature]

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 & LOCAL GOVERNMENT  
Whitehall, LONDON, S.W.1

Telegrams: Locoplan, Parl, London

Telephone: VICTORIA 8540, ext. 109

Please address any reply to

THE SECRETARY

and quote: APP/1919/A/63549

Your reference: J. 1183/12C/WEC W/404-62



9 - APR 1963

Gentlemen,

Town and Country Planning Act 1962 - Section 23  
(formerly Town and Country Planning Act 1947 - Section 16)  
Land adjoining "Ashleigh", Tinkers Lane, Champneys  
Appeal by Mr. P. M. Gray

1. 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 client's appeal against the decision of the Berkhamsted Rural District Council acting on behalf of the Hertfordshire County Council, to refuse permission for the erection of a service dwelling with outbuildings on land adjoining "Ashleigh", Tinkers Lane, Champneys, near Tring.
2. The Inspector, a copy of whose report is enclosed, said that valid outline permission to erect a service dwelling, subject to basic conditions, existed. The point at issue was whether or not the detailed proposal was reasonable based on the earlier approval. He was quite unable to accept that the present detailed plans had been submitted on the basis of the original intention for a service cottage in design, layout and extent the proposed building would, if erected, show as a separate detached residential unit of high class. Nevertheless the right to erect a dwelling existed and provided it was appropriate to its surroundings, could be made to fit satisfactorily and comfortably on the rather awkwardly shaped site and was clearly for one unit of residential accommodation only, he found it difficult to justify refusal. Accordingly he recommended that the appeal be allowed.
3. The Minister agrees with his Inspector that there is no justification for withholding permission in this case; accordingly he accepts his recommendation and allows your client's appeal. He hereby grants permission for the erection of a dwelling-house and outbuildings on the appeal site in accordance with the plans submitted with the application dated 2nd March 1962.
4. 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 13 of the Town and Country Planning Act 1962.

I am, Gentlemen,  
Your obedient Servant,

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

Messrs. Simmons and Simmons  
Solicitors  
1 Threadneedle Street  
LONDON E.C.2