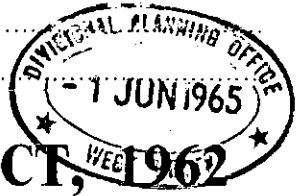


H.C.C. Code No.	W/519/65
L.A. Ref. No.	5608

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. C. Lawrence,
 Shendish Lodge,
 London Road,
 Hemel Hempstead.

Use of land for the erection of a bungalow
at London Road, Hemel Hempstead.
(Part Parcel 460 on OS. HEYTS. XXX111.16)

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 17/2/65 and received with sufficient particulars on 20/2/65 and shewn on the plan(s) accompanying such application.

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

1. The site of the proposed development is within a proposed extension to 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.
2. The proposal would lead to an increase in use of a substandard vehicular access onto the trunk road with consequent detriment to road safety.

Dated 18th day of May 1965

[Signature]
 Clerk/Surveyor of the Council.

SEE NOTES OVERLEAF

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.

file

HERTFORDSHIRE COUNTY COUNCIL
RURAL DISTRICT OF HEMEL HEMPSTEAD
TOWN AND COUNTRY PLANNING ACT, 1962

APPEAL UNDER SECTION 23 OF THE TOWN & COUNTRY
PLANNING ACT, 1962, BY MR. C. LAURENCE AGAINST
THE REFUSAL OF THE HEMEL HEMPSTEAD RURAL DISTRICT
COUNCIL ACTING ON BEHALF OF THE HERTFORDSHIRE
COUNTY COUNCIL TO PERMIT THE ERECTION OF A BUNGALOW
ON LAND OFF LONDON ROAD, APSLEY, HEMEL HEMPSTEAD.

WRITTEN OBSERVATIONS OF THE DIVISIONAL PLANNING OFFICER.

1. The application, which is in outline form, is for the erection of a bungalow on land to the rear of a dwelling known as Shendish Lodge, London Road, Apsley, Hemel Hempstead.
2. The appeal site is approximately 2 miles south-east of the centre of Hemel Hempstead and is approached by means of a private road which leads to Shendish House (a sports and social centre) and to Apsley Hall Farm from the A.41 Trunk Road which connects London to Birmingham and the North West. The private road is about 15 feet in width and gives rear access to most of the dwellings fronting onto the trunk road.
3. The site, is irregular in shape having an area of 0.58 acres, has a frontage to the private road of approximately 350 feet and a plot depth which varies between a few feet and 100 feet. The ground rises quite steeply to the main railway line from Euston to the Midlands, the North West and Scotland. The site is fairly well treed with a mixture of coniferous and deciduous trees and shrubs. The land also contains an electricity substation, an assortment of sheds and a car port. Some of the land appears to be used as a turning and parking area for vehicles.
4. The appeal site is in the centre, yet to the rear, of an isolated ribbon of residential development situated midway between Hemel Hempstead and Kings Langley. The boundary of the Municipal Borough of Hemel Hempstead lies some 30 yards to the north-west of the site.
5. The existing semi-detached and terraced dwellings adjacent to the site were mostly erected before the last war; those erected since being before the passing of the 1947 Town and Country Planning Act. Beyond the railway, the land is in use for agriculture and the land on the opposite side of the trunk road is owned by John Dickinson Ltd. This land was partly used for vegetable growing, but some has now been taken over for car parking for the adjacent factory, whilst most of the remainder has reverted to rough grazing land.
6. The application (ref. No. W/519/66) was received by the Hemel Hempstead Rural District Council on 20th February, 1965 and a refusal was issued on 18th May, 1965, the reasons being as follows:-

1. The site of the proposed development is within a proposed extension to 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.
2. The proposal would lead to an increase in use of a substandard vehicular access onto the trunk road with consequent detriment to road safety.

7. On the County Map, which was approved in December 1958, the appeal site, is shown to be contained within a White Area in which it is intended that existing uses remain undisturbed. The proposed extension to the Metropolitan Green Belt submitted by the Local Planning Authority under Circular No. 42/55 and accepted in principle by the Minister in February, 1957 covers the whole of the western part of the County outside the areas covered by Town Maps.

8. In the First Review of the County Development Plan which was submitted to the Minister for his approval in December 1963 the site is shown as Green Belt. An extract from this plan is submitted in the form of PLAN B. The approved Statement and the Statement accompanying the First Review of the County Development Plan are practically identical as regards the following statement:-

Policy Considerations for Development Control.

(a) Metropolitan Green Belt.

The Development Plan defines the Hertfordshire sector of the Metropolitan Green Belt around London. The purpose of the Metropolitan Green Belt is to preserve a stretch of mainly open country as near as possible to London to act as a barrier against the further outward spread of building development and the merging of existing settlements within the Belt, and to provide an area in which town dwellers can find recreation and enjoyment. In order to achieve this purpose it is essential to retain and protect the existing rural character of the area so allocated. The growth of existing settlements will be severely restricted, and new building will be permitted outside such settlements only in the most exceptional circumstances unless required for agricultural or allied purposes. Certain development of an open character such as hospitals, cemeteries and playing fields may be allowed where this would not prejudice the character of the Green Belt.

9. In July 1960, after consultations with the Planning Authorities of other Home Counties and with all District Councils within Hertfordshire the County Council adopted a policy regarding "Building in the Green Belt." The main points of its report were included in the Statement accompanying the

First Review of the County Development Plan. These are as follows:-

- (i) A number of larger settlements known as "excluded villages" which are no longer exclusively rural in character are omitted from the Green Belt. A perimeter line is defined close~~y~~ encircling the existing limits of development.
- (ii) In the second group of villages known as "listed villages" a small amount of infilling will be approved within the areas defined in the Appendix to that part of the Statement.
- (iii) Elsewhere in the Green Belt applications for new dwellings not falling in the above categories will be refused unless it can be shown conclusively that the development is essential in the interests of agriculture or the local rural community or for some other outstanding reason.

10. The Local Planning Authority attach the highest importance to the Green Belt in order to prevent sporadic development, the outward growth of settlements into rural areas and the merging of towns and villages.

The boundary of the New Town at Nash Mills is already blurred by existing development, some of it such as the Mills, of considerable age, but this is no reason for adding to the development of the area either by outward sprawl or by intensifying the existing development.

11. Whilst accepting the fact that there is already an appreciable amount of development beyond the limits of the New Town and the excluded village of Kings Langley the Planning Authority consider it essential that the build-up of this development be curtailed in order to prevent the subsequent coalescing of the two settlements.

12. Only under exceptional circumstances does the Local Planning Authority approve additional dwellings within the Green Belt, as stated in 9(iii) above. This applications falls into this third category and the Planning Authority can find no reason to make an exception from their Green Belt Policy.

13. The Ministry of Transport directed that the application be refused due to the increased use of a substandard vehicular access onto the trunk road. This will no doubt be substantiated in the County Surveyor's Written Statement.

14. All relevant planning applications have been shown on Plan A and are included in the Appendix accompanying this Statement. Of these, two applications for residential development and one for a vehicular access some 120 yards south of the appeal site were refused by the Planning Authority and appeals were later dismissed by the Minister. These were as follows:-

W/282/59 Application for the use of land for residential development was refused by the Local Planning Authority on 19th May 1959 on the grounds that the site was included in a "White Area" on the approved County Development Plan and was in the proposed Green Belt. The Minister dismissed the appeal because of the Green Belt and the wooded character of the site.

W/139/61 Application for the erection of a detached bungalow on the same site as above was refused by the Planning Authority on 16th May 1961 for the same reasons as the previous application. The Minister dismissed the appeal as the appellant had not established an overriding need for a new house in an area subject to Green Belt restrictions; nor could the proposed development be considered as minor infilling.

W/1293/64 Application for the forming of a vehicular access on the same site as the previous two applications, was refused on 1st December 1964 owing to the restricted visibility of this section of the Trunk Road and the prejudicial effect a new access would have on the safety and free flow of traffic on the Trunk Road.

The Minister supported the Planning Authority's decision and dismissed the appeal.

- 15. The Local Planning Authority requests that the Minister dismiss this appeal thus supporting the present Green Belt policy in force in the area and in order to be consistent with the aforementioned appeal decisions.

KD/LB
W/519/65
6.2.67.

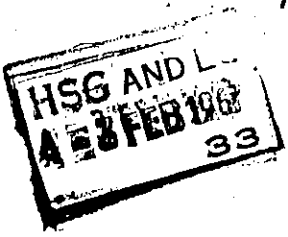
APPENDIX

Relevant Planning Applications.

<u>Ref. No.</u>	<u>Application No.</u>	<u>Description</u>
1.	W/2142/63	Car Park for John Dickinson & Co. Ltd. Conditional approval given 3rd March, 1964.
2.	W/144/57	Use of approximately 40 acres of land for Sports Ground for Messrs. Chiltern Hunt Ltd. Conditional approval given 2nd April, 1957.
3.	W/282/59	Outline application for 1 detached and 1 pair semi-detached bungalows for Mr. J.E. Telford. Application refused 19th May 1959; Appeal dismissed 25th February, 1960.
4.	W/1661/62	Erection of 24 lock-up garages for J. Sunderland Esq. Conditional approval given 19th January, 1963.
5.	W/139/61	Outline application for 1 bungalow for Mr. J. Sunderland. Application refused 16th May, 1961; Appeal dismissed 30th April 1962.
6.	W/1293/64	Formation of vehicular access onto Trunk Road for J. Sunderland Esq. Application refused 1st December 1964; Appeal dismissed 30th September 1965.
7.	W/90/64	Outline application for residential developmen for Benskin's Watford Brewery Ltd. Application refused 5th May 1964.

A/12045

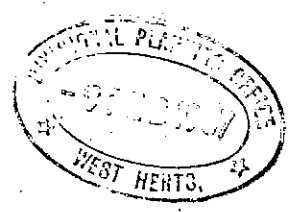
Hemel Hempstead RDC W/519168
172



Shendish Lodge,
London Road,
Hemel Hempstead,
Herts.

2nd. February, 1967

Ministry of Housing & Local Government,
Whitehall,
London, S.W.1.



Dear Sirs,

APP/2142/A/12045/HPI/V.

Re my statement to APPEAL against the R.D.C. REFUSAL on the Green Belt Policy, I fail to see the existance of the Green Belt. May I now state my facts.

As you see by the enclosed rough plan, the area is completely built up, with a housing estate and factories.

1. When Mr. Silken, now Lord Silken, came here and told us his plans to redevelop and make a new town, the Green Belt started to fade away, and since then planning permission has been given to extend their factories to :-

Nash Mills Ltd.
Messrs. Chilton Hunt
Messrs. J. Dickenson - also complete new factory.
Haulage contracting firm - permission to build garages.

also

2. Block of flats for Watford Rural Council
all within the area of the proposed Metropolitan Green Belt.

3. My application for this bungalow is that my wife is 67 years of age and I am 68 years of age. May be in a few years' time we may need some help. At the moment my daughter and family are living in London.

4. With regard to garage, I shall not require one as I have two garages for which Planning Permission was given many years ago.

Yours faithfully,

Signature

APP. REGISTRY
No. 3
3 - FEB 1967
FILE No APP/2142/A/12045.
PLAN No.....

W/519/65

Town and Country Planning Act 1962Proposed Detached Bungalow on Land at rear of Shendish Lodge,
London Road, Hemel Hempstead.Appeal by Mr. C. Lawrence.

A notification of planning proposals by Mr. C. Lawrence was referred to the Divisional Road Engineer on the 9th April, 1965 and on the 26th April, 1965. a direction of refusal was issued on the grounds that:-

"The proposal would lead to an increase in use of a substandard vehicular access on to the trunk road, with consequent detriment to road safety."

The site is on the south western side of the London-Birmingham Trunk Road A.41, for which the Minister of Transport is the Highway Authority, and is about 350 yards north west of the point where the railway bridge crosses the trunk road at Nash Mills. The site has no direct frontage with the trunk road, but Shendish Lodge itself, which is owned by the Appellant, has a frontage with the trunk road just to the south east of the access road to Shendish House from which access to the site is proposed.

At the junction of the access road with the trunk road the latter is of approximate level and has a carriageway 30 feet wide with a footway 6 feet wide on the south west side to the north of the access and a footway 4 feet 6 inches wide on the north east side of the trunk road. South of the access on the south west side there is no footpath. The junction occurs at a point where the trunk road starts to bend westwards after a straight section from the south east. About 23 yards south of the access road and on the south west side of the trunk road there is a junction with a service road. This service road runs parallel to the trunk road in a south eastward direction and serves a block of residential development.

The access road rises from the trunk road at a gradient of about 1 in 20 and has a metalled surface. Its width at the south western edge of the trunk road is about 50 feet and the metalled surface narrows to 12 feet at a distance of about 65 feet from the edge of the trunk road carriageway, at a gate with a 12 feet opening. The overall width of the access road at the gateway is about 27 feet. To the north west of the access there is residential development on the south west side of the trunk road with direct pedestrian and vehicular accesses to the trunk road.

Visibility at the access road junction from a point 15 feet along its centre line from the south western edge of the trunk road carriageway is 30 yards to the north west and about 250 yards to the south east. To the north west the visibility is restricted by a brick wall and bank on the frontage and to the south east the visibility quoted above would apply, provided the hedge on the Shendish Lodge frontage was maintained at a height of not more than 3 feet,

W/519/65

otherwise visibility in this direction would be approximately 30 yards. The requirements for visibility are that this should be available to the right and to the left between points 3 feet 6 inches above road level over areas defined above:-

- (i) A line 15 feet long measured along the centre line of the side road from the near edge of the trunk road carriageway,
- (ii) a line 300 feet long measured along the nearer edge of the trunk road carriageway from its intersection with the centre line of the side road,
- (iii) a straight line joining the ends of the above lines.

There is a 30 m.p.h. speed limit on the trunk road at this point and there is very limited amenity street lighting. The bend in the trunk road is such that warning lines are necessary on the bend at this point due to the limited visibility available. There is a bus stop on the south western side of the trunk road just south of the access road and a further bus stop on the north eastern side of the trunk road opposite the access road.

The nearest important road junction is by the railway bridge about 350 yards south east of the site.

The 1965 Traffic Census taken at a point about two miles south east of the site indicated an average daily figure of 16,343 vehicles of which 3,580 were commercial vehicles including 2,008 heavy goods, buses and coaches.

There have been no reports of personal injury accidents over the section of trunk road 100 yards each side of the access road during the three years from the 1st December, 1963 to the 30th November, 1966.

There is no scheme programmed for the improvement of the trunk road, but a proposal for an improvement south eastwards from Shendish Lodge to Wash Mills is being considered and this is likely to be carried out on the north east side of the trunk road, that is, on the opposite side from the site.

The ultimate alignment of the trunk road includes for a by-pass of Hemel Hempstead which will also by-pass this section of trunk road. The by-pass scheme is not yet included in the Ministers programme and it is not possible to forecast when the work is likely to be carried out.

In view of the restricted visibility at the access road junction and the location of that junction on the inside of a bend in the trunk road where visibility requires the provision of warning lines, it is considered that the proposed development with the accompanying increase of traffic likely to use the access road, would increase the traffic difficulties and danger on the trunk road which will have to meet the increasing traffic for several years to come. The Divisional Road Engineer feels justified, therefore, in issuing his direction dated 26th April, 1967.

(A. K. DUGDALE)
for Divisional Road Engineer

March, 1967

MINISTRY OF HOUSING AND LOCAL GOVERNMENT



REF: APP/2142/A/12045
W/519/65

18th July, 1967

Sir,

Town and Country Planning Act 1962 - Section 23

Appeal by Mr. C. Laurence
(Application No. W/519/65)

1. I am directed by the Minister of Housing and Local Government to refer to your appeal against the decision of the Hemel Hempstead Rural District Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for the erection of a bungalow on land to the rear of Shendish Lodge, London Road, Apsley, Hemel Hempstead.
2. The written representations made in support of the appeal and those of the Council have been considered. An officer of the Department has visited the site.
3. The appeal site is situated within the curtilage and to the rear of Shendish Lodge a property set back some 20 feet from the south-western side of London Road (A.41.) and about 2 miles south-east from the centre of Hemel Hempstead. To the north, fronting the A.41, are a number of semi-detached houses opposite which are industrial properties with car park, and allotments. To the south is Ridgeway Close, a service road above the level of the A.41 and serving a number of semi-detached houses. Eastwards, on the opposite side of the road, is some open land, then the Grand Union Canal with factory buildings and houses beyond. Shendish Lodge has a part frontage bordering the A.41 just south-east of Shendish Drive, a private road running westwards to serve as rear access to some of the dwellings fronting the A.41, and continuing westwards as sole access to the large John Dickinson Limited's sports centre and a farm. The other part of the Shendish Lodge frontage, about 350 feet in length, fronts Shendish Drive. The site is irregular in shape, has an area of about half an acre, and its maximum depth is about 100 feet up to its rear boundary which adjoins the main railway line.
4. Planning permission was refused by the local planning authority on the grounds that the appeal site lay within a proposed extension of the metropolitan green belt where it is their intention that development be permitted only in the most exceptional circumstances unless it is required for agricultural or allied purposes. The Minister has not yet completed his formal consideration of the local planning authority's proposals for extending the green belt which are now before him as part of the review of the development plan. Nevertheless, within the area the extension the local planning authority are, with his general agreement, exercising development control in accordance with their policy for the green belt. The authority also refused permission, at the direction of the Divisional Road Engineer, Ministry of Transport, on the grounds that the proposal would lead to an increase in use of a substandard vehicular access on to a trunk road with consequent detriment to road safety.
5. The view is taken that the logical and actual division between town and country, in this particular locality, is the railway line. It is not, therefore, considered that the small and almost wholly developed pocket of land which includes the appeal site now has any particular significance for green belt purposes, except insofar as there are trees on the appeal site itself which could, with advantage, very well be retained following the proposed development by one bungalow. While it is agreed that the access from the private road to A.41 is not up to standard, it does not appear to be so sub-standard that no additional use should be entertained. Bearing in mind the extensive use of this access by vehicles visiting the sports centre, the additional use likely to arise from one further dwelling can hardly be regarded as material, and account has also had to be taken of other permitted development involving access to the trunk road. In this case the access for the proposed dwelling would not be directly to the trunk road and garaging within the appeal site already exists. In all the circumstances it has been decided that permission for the proposed development could not justifiably be withheld.

/continued.....

6. The Minister has therefore decided to allow your appeal and he hereby grants planning permission for the erection of a bungalow on land to the rear of Shendish Lodge, London Road, Apsley, Hemel Hempstead subject to the following conditions:-

Condition imposed solely by reason of section 7 of the Control of Office and Industrial Development Act, 1965

- (i) the use of the building, whether as originally erected or as subsequently extended or altered, shall be restricted so that (whether in consequence of a change of use or otherwise) it does not at any time contain office premises having an aggregate office floor space which exceeds 3,000 square feet;

Other condtion

- (ii) the siting, design and external appearance of the building 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.

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

I am, Sir,
Your obedient Servant,

F. D. CHESSELL

Authorised by the Minister
to sign in that behalf

C. Laurence, Esq.,
Shendish Lodge,
London Road,
Apsley,
HEMEL HEMPSTEAD,
Herts.