

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/839/A/86619

Your reference:

2 FEB 1965

Madam,

Town and Country Planning Act 1962

Appeal under section 23

Application No. W/885/64

I am directed by the Minister of Housing and Local Government to refer to your appeal against the refusal of Berkhamsted Urban District Council, acting on behalf of Hertfordshire County Council, to permit a private gate in a fence at No.7, Bulbourne Close, Berkhamsted to give pedestrian access to the trunk road, A.41. Permission was refused at the direction of the Ministry of Transport. Consideration has been given to the written representations made in support of the appeal and those of the council and the Ministry of Transport. An officer of the department has visited the site.

No. 7 Bulbourne Close is part of a housing estate on the northern side of the trunk road A.41, and the approval given to the original development on this estate stipulated that all access should be limited to one estate road. The layout of the estate is such that no undue inconvenience would be caused to the residents of Bulbourne Close in using this access road. While it is possible that the present careful use of the pedestrian access at No.7 would not result in vehicles waiting on the trunk road, the next occupier of the property might not be so scrupulous. Your reasons for wanting a private access gate are appreciated but it is not considered that they justify the granting of a consent which could lead to numerous pedestrian accesses (it is noted that the owner of another house has erected an unauthorised access gate), with subsequent increased possibility of waiting vehicles being left in the carriageway which would be detrimental to the free flow and safety of the trunk road traffic. The Minister has therefore decided to dismiss the appeal.

I am, Madam,
Your obedient Servant,

(Signed) D. G. POMEROY.

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

Mrs. C. J. Cullen
55 Gossoms End
BERKHAMSTED
Herts.

BERKHAMSTED U.D.C.	
CLERK'S DEPT.	
Rec'd	3 FEB 1965
Pass to
Noted by
Ans'd