

H.C.C.
Code No. u/914/64
L.A.
Ref. No. BR/49/64

ADMINISTRATIVE COUNTY OF HERTFORD

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

TOWN & COUNTRY PLANNING ACT, 1962

To J.A. Kerr, Esq.,
per F. Fountaine, Esq.,
89, High Street,
Chesham, Bucks.

Site for one dwelling,
adjoining Four Acre Lane, Bourne End,
near Hempsstead, Herts. (Northchurch Parish)

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 14th. April, 1964, and received with sufficient particulars on 20th. April, 1964, 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 a proposed extension of 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 18th. day of June, 1964.

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.

W/914164



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: Locoplan, Parl, London

Telephone: VICTORIA 8540, ext. 148

Please address any reply to

THE SECRETARY

and quote: APP/1919/A/84873

Your reference: W/914-64.

27 APR 1965

Sir,

Town and Country Planning Act 1962 - Section 23
Appeal by Mr. J. A. Kerr

1. I am directed by the Minister of Housing and Local Government to refer to the report of his Inspector, Mr. L. Cook Hall, A.M.I.Mun.E., M.T.P.I., A.R.S.H., on the local inquiry into your client's appeal against the refusal of Berkhamsted Rural District Council, acting on behalf of Hertfordshire County Council, to permit the erection of a dwelling on part of the curtilage of Four Winds, Sugar Lane, Bourne End, Hemel Hempstead.

2. The Inspector, a copy of whose report is enclosed, was of the opinion that the planning authority should be supported in this case. The appeal site was within a proposed extension of the metropolitan green belt where there was a clear presumption against building development unless there were very special reasons for it. In this appeal there were no exceptional circumstances which would weigh against the green belt concept; although your client's proposal was for only one house, permission in this case might encourage applications for the residential development of similar plots of land forming part of the curtilages of nearby houses. The development proposed would be prejudicial to the maintenance of the existing limited amount of open land between Hemel Hempstead and Berkhamsted. The Inspector recommended that the appeal be dismissed.

3. The Minister agrees with the Inspector's conclusions and accepts his recommendation; accordingly he dismisses your client's appeal.

I am, Sir,
Your obedient Servant,

H. C. HOLLINGTON

(H. C. HOLLINGTON)

Authorised by the Minister
to sign in that behalf

✓

P. J. Fountaine Esq. F.R.S.A.
27 Castle Street
BERKHAMSTED
Herts.

