

H.C.C. Code No.	W/1491/64
L.A. Ref. No.	5437

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.S.Cutler,
5, Southdene Cottages,
Gaddesden Row,
Great Gaddesden,
Herts.

..... Use of land for the erection of a dwelling
.....
at Gaddesden Row, Great Gaddesden, Herts.
..... (Part Parcel 157 on OS,HERTS,XXV1.7)

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 9/6/64 and received with sufficient particulars on 16/6/64 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 1st day of September 19 64

[Signature]
Clerk/ ~~Secretary~~ 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.



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: Locoplan, Parl, London

Telephone: VICTORIA 8540

, ext. 513

Please address any reply to

THE SECRETARY

and quote: APP/2142/A/89997

Your reference:

W/1491-64.

22 JUN 1965

Sir,

Town and Country Planning Act 1962 Section 23
Appeal by Mr. S. Cutler

1. I am directed by the Minister of Housing and Local Government to refer to the report of his Inspector, Mr. A. C. Box, M.I.Mun.E., on the local inquiry into your client's appeal against the refusal of the Hemel Hempstead Rural District Council, acting on behalf of the Hertfordshire County Council, to permit the erection of a dwelling in connection with a small-holding on land at Gaddesden Row, Great Gaddesden.
2. The Inspector, a copy of whose report is enclosed, concluded that as your client lives within such a short distance of the small-holding there appeared to be no real necessity for the erection of a dwelling on the land at the present time, or in the foreseeable future. The fact that your client lived in a council house did not seem to strengthen his case materially. Sufficient reasons had not been advanced on agricultural need grounds to justify permitting the proposed development, which would conflict with the planning authority's established green belt policy. He recommended that the appeal be dismissed.
3. The Minister has not yet given formal consideration to the local planning authority's proposals for extending the metropolitan green belt, which include the site now under appeal: these proposals are now before him as part of the review of the development plan. Meanwhile, the local planning authority are, with the Minister's general agreement, exercising control of development within the proposed green belt in accordance with their established green belt policy. To that extent, therefore, the proposal under appeal must be held to conflict with the planning authority's policy for the control of development in the area unless a case of special need is established which would justify the grant of permission as an exception to the policy. No reason is seen to disagree with the Inspector's conclusions in this respect. Gaddesden Row is a small hamlet in pleasant, mainly agricultural countryside, part of the Chilterns area of great landscape value, and it is considered that it would be wrong to allow the erection of the proposed dwelling, unrelated to a special need, since to do so would in the long run lead to an undesirable change in the character of the hamlet.
4. The Minister accepts the Inspector's recommendation: accordingly he hereby dismisses the appeal.



I am, Sir,
Your obedient Servant,

H. C. HOLLINGTON

(H. C. HOLLINGTON)
Authorised by the Minister
to sign in that behalf.

R. H. Faulkner, Esq., F.R.I.C.S., F.A.I.
43 Market Street
Watford
Herts.