

ADMINISTRATIVE COUNTY OF HERTFORD.

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

TOWN & COUNTRY PLANNING ACT, 1947

To Mr. B.J.F. Lewis, per Messrs. Woodroffe, Buchanan and Coulter, 41, High St., Tring, Herts.

Site for six dwellings, adjoining Applegarth, Stocks Road, Aldbury, 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, the Council on behalf of the Local Planning Authority hereby refuse the development proposed by you in your application dated 25th. August, 1962, and received with sufficient particulars on 28th. August, 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 site falls within the proposed extension of the Metropolitan Green Belt and within the Chilterns Area of Great Landscape Value in which it is the policy of the Local Planning Authority to restrict further development to that required for the essential needs of the local community or for the housing or agricultural workers, in order to prevent unnecessary expansion of villages and to maintain the amenities and character of the area generally. In the opinion of the Local Planning Authority the proposed development would not conform to their policy and would represent an extension of development in the countryside which has not been justified by any need arising from the local community or for the housing of agricultural workers.

Dated 15th. day of November, 19 62.

[Handwritten signature]

Clerk/Superintendent 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

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Please address any reply to

THE SECRETARY

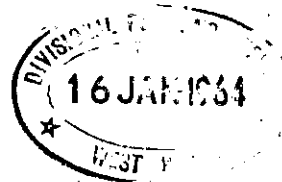
and quote:

Your reference:

1919/W71074

W/1660-62.

11 DEC 1963



Gentlemen,

Town and Country Planning Act 1962: Section 23
Appeal by Mr. B. J. F. Lewis

1. I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. R. Woodford, Dip. T.P., A.M.T.P.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 six detached dwellings in the grounds of Applegarth, Stocks Road, Aldbury.

2. The Inspector, a copy of whose report is enclosed, stated that the appeal site was within a proposed extension of the metropolitan green belt and in the Chilterns area of great landscape value. Your client's proposal could not be regarded as infilling but would represent an extension of the built-up area on the west side of Stocks Road. Considering it against the local planning authority's recent decision to apply the full green belt policy in this village, he did not think there were any exceptional circumstances sufficient to justify the proposed new building. On the other hand, considering Aldbury as a "listed" village he thought some form of development could be permitted on the appeal site to "round off" the existing development at the north of the village, but careful consideration would have to be given to the design and materials of any new buildings in order to preserve the attractive, old world character of this part of the village. In his view the present proposal for six dwellings would be out of keeping with the character of neighbouring properties. He recommended that the appeal be dismissed.

3. In the Minister's view the development of the site would represent an undesirable addition to the existing ribbon of development which extends along Stocks Road away from the centre of the village and should not be permitted unless there are exceptional circumstances to justify it. He cannot accept that the existence of dwellings on the opposite side of the road is necessarily a good reason for allowing development of the appeal site. Nor does he think it right to assume that, because the site is at the present time in use as a domestic garden, it is appropriate to build houses on it. Whether Aldbury is regarded as a "listed" village or not, there are objections to the proposal and the Minister can find no circumstances sufficient to justify overriding them. Accordingly he dismisses your client's appeal.

I am, Gentlemen,
Your obedient Servant,

Messrs. Penny and Thorne
Solicitors
High Street
BERKHAMSTED
Hertfordshire

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