

H.C.C.
Code No. W/1916/64
L.A.
Ref. No. BR/105/64

ADMINISTRATIVE COUNTY OF HERTFORD

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

TOWN & COUNTRY PLANNING ACT, 1962

To
Mr. B.L. Bavin,
1 Malting Lane,
Aldbury,
Nr. Tring, Herts.



Erection of dwelling on land adjoining
at 1 Malting Lane, Aldbury, Nr. Tring, Herts.

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 16th August, 1964. and received with sufficient particulars on 17th August, 1964. and shewn on the plan(s) accompanying such application.

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

Under the County Development Plan, further development is allowed in the Metropolitan Green Belt or in the proposed extension of the Green Belt (which forms part of the Review Development Plan) only if required for agricultural or other essential local purposes.

The application contains no information that the proposed dwelling is required for a purpose consistent with the provisions of the Local Planning Authority's Green Belt policy.

The village of Aldbury is not differentiated in any way from the Green Belt in the County Development Plan and the erection of the proposed dwelling would therefore be contrary to the said Green Belt policy and would constitute additional development in a proposed Green Belt which is not justified for any essential local purposes.

Dated 20th day of January, 1965.

[Signature]
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.



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: Locaplan, Parl, London

Telephone: TRAFALGAR 8020

, ext. 130

w/1916/64

Please address any reply to
THE SECRETARY

and quote: APP/1919/W/93505

Your reference: O/JMC

25 NOV 1965

Gentlemen,

Town and Country Planning Act 1962 Section 23
Appeal by Mr. E. L. Bavin

1. I am directed by the Minister of Housing and Local Government to refer to the report of his Inspector, Mr. J. K. Watson, C.B.E., M.I.C.E., A.M.I.Mun.E., A.M.T.P.I., on the local inquiry into your client's appeal against the refusal of the Berkhamsted Rural District Council, acting on behalf of the Hertfordshire County Council, to permit the erection of a house on land at 1, Malting Lane, Aldbury, Tring.

2. The Inspector, a copy of whose report is enclosed, was of the opinion that while the Berkhamsted Rural District Council were correct in applying their strict green belt policy to the village of Aldbury, the appeal site had, nevertheless, an existing planning permission tied to it. The Council, in granting detailed planning permission, accepted the siting of one house in such a position as to permit the erection of a second house on the appeal site which, in itself, was sufficiently extensive in area to accommodate a second house. Furthermore, a dwelling-house, of similar design to that to be erected on the plot adjoining the eastern boundary of the appeal site, would do no harm to the proposed extension of the metropolitan green belt, and would be acceptable infilling. The Inspector recommended that the appeal be allowed.

3. It is noted that most of the houses in the vicinity are modern, so that the proposed development should fit into the street picture. It would also provide more effective use of a site to which an existing planning permission is attached. The Minister agrees with the Inspector's conclusions and accepts his recommendations; accordingly he allows your client's appeal and hereby grants permission for the erection of a house on the appeal site subject to the condition that the siting, design and external appearance of the building and the means of access shall be as may be agreed with the local planning authority, or in default of agreement, as shall be determined by the Minister.

4. 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, Gentlemen,
Your obedient Servant,

H. C. HOLLINGTON

(H. C. HOLLINGTON)

Authorised by the Minister
to sign in that behalf.

Messrs. Benning, Hoare and Drew
Solicitors
11 West Street
DUNSTABLE
Bedfordshire

