

H.C.C.
Code No. W/1986/61
L.A.
Ref. No. 4865

ADMINISTRATIVE COUNTY OF HERTFORD.

The Council of the BOROUGH OF
URBAN DISTRICT OF
RURAL DISTRICT OF Hemel Hempstead

TOWN & COUNTRY PLANNING ACT, 1947

To Mr. W. G. Carter,
The Old Vicarage,
Markyate,
Herts.

Use of land for residential purposes
at The Old Vicarage, High Street, Markyate.
(Part of Parcel 172 on D.L. HO 250, 250/1, 4)

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, and under the COUNTY OF HERTFORD (Delegation of Planning Functions) Scheme, 1952, the Council on behalf of the Local Planning Authority hereby refuse the development proposed by you in your application dated 10. 6. 61. and received with sufficient particulars on 7/10/61. and shewn on the plan(s) accompanying such application.

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

- 1. The site of the proposed development is in Markyate which, under the Local Planning Authority's Green Belt Policy, is a "listed" village within which only limited infilling development for general residential purposes is allowed. The proposed development would represent more than infilling development and would thus be contrary to the Local Planning Authority's policy which is to restrict the amount of new building development within the proposed extension to the Metropolitan Green Belt.
- 2. The development of the land as proposed would be unsatisfactory as it would result in the replacement of a building which now forms part of the street picture of Markyate by open land and a road junction. The land can be redeveloped by frontage development to the High Street with development at the rear end having access to Cowper Road.

Dated 6th day of February 1962

Cont'd....

W. J. ...
Clerk/Surveyor 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.

Cowper Road, and from architectural and planning points of view such development is considered by the Local Planning Authority to be preferable to the proposed development, and would result in better site development and better architectural effect.

- 3. The siting of the block of two storey flats in relation to the southern boundary of the land would be unsatisfactory because of the inadequate space at the rear of the flats.**
- 4. The layout makes no provision for garages for the proposed flats.**
- 5. Upon the information submitted with the application, it is considered the development of the rear land would be excessive in number, particularly as it is proposed to develop the land by single-storied dwellings.**

COPY.

MINISTRY OF HOUSING AND LOCAL GOVERNMENT,
WHITEHALL, LONDON. S.W.1.

Ref: 2142/W/55941.
W/1986-61.

WELSH WELSHES & NATIONAL	
PLAN	
- 1 NOV 1962 10th September, 1962.	
ACKD	SR

Sir,

Town and Country Planning Act, 1947 - Section 16.
Land at The Old Vicarage, High Street, Markyate.
Appeal by Mr. W. C. Porter.

I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. F. A. Rowbotham, B.Sc., A.M.I.C.E., on the local inquiry into your client's appeal against the failure of the Hemel Hempstead Rural District Council, acting on behalf of the Hertfordshire County Council, to issue within the statutory period a decision on your client's application for planning permission for the residential development of land at The Old Vicarage, High Street, Markyate.

The Inspector, a copy of whose report is enclosed, concluded that from the architectural point of view it would be wrong to replace the existing building on the appeal site by a group of bungalows set back from the road, as they would be out of harmony with the existing street scene. He recommended that the application be refused without prejudice to the submission of a revised application providing for the frontage of High Street being built up on the grounds that:

- (a) The development of the site would be infilling and not contrary to green belt policy.
- (b) The frontage to High Street should be built up.

The Minister agrees with the findings of his Inspector and accepts his recommendation; accordingly he dismisses your client's appeal but without prejudice to the consideration by the local planning authority of a fresh application on the lines suggested by the Inspector.

I am, Sir,
Your obedient Servant,

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

E.D. Pocknell, Esq.,
Solicitor,
119 Victoria Road,
Aldershot,
Hampshire.