



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: *Locoplan, Parl, London*

Telephone: VICTORIA 8540 , ext.

Please address any reply to

THE SECRETARY

and quote: AFP/2142/A/82667

Your reference: JBB/JECT/3525

31 DEC 1964

Sir,

Town and Country Planning Act 1962 - Section 23

Appeal by Mr. L. S. Cooper

Application No. W/2314/63

I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. P. C. Williams, M.A., F.R.I.C.S., F.L.A.S., who held a 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 two detached houses on land fronting Stoney Lane, Bovington.

2. A copy of the Inspector's report is enclosed.
3. The Inspector finds the following facts:-
  - (i) the two proposed houses would each stand on plots of about one acre and they would adjoin houses in a row with gardens of roughly similar size;
  - (ii) the two proposed houses would fill one of two wide gaps near the end of the row of houses where this extends into open countryside;
  - (iii) the area has been accepted in principle as part of an extension of the metropolitan green belt.

The Inspector is of the opinion that the proposed houses would consolidate a group of widely spaced existing houses which are largely surrounded by open countryside, and that this would be contrary to the interests of the green belt. He recommends that the appeal be dismissed.

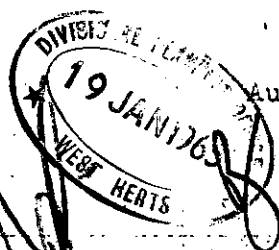
4. The Minister agrees with his Inspector's findings and conclusions. He accepts that some land in the metropolitan green belt, approved and proposed, may have to be considered for development in the light of demands that have to be met, but takes the view that this is a matter for the local planning authorities in the first instance. On the basis of current policy he agrees with the council that it is right to preserve the generally open character of the area between Hemel Hempstead and Bovington, of which the appeal site forms a part. Accordingly the Minister accepts his Inspector's recommendation and hereby dismisses your client's appeal.

I am, Sir,  
Your obedient Servant,

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

(H. C. HOLLINGTON)

Authorised by the Minister  
to sign in that behalf.



H.C.C. Code No.	W/2314/63
L.A. Ref. No.	5282

**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.F.F.Cooper,  
Whitelea,  
Stoney Lane,  
Bovingdon,  
Herts.

Use of land for residential development
at Stoney Lane, Bovingdon, Herts. (Part Parcel 531 on OS.HERTS.XXX111.14)

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 25/10/63 and received with sufficient particulars on 26/10/63 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 the Metropolitan Green Belt in the Review of the County Development Plan, in which 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 21st day of January 1964

Clerk/ ~~Secretary~~ *[Signature]* 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.