

ADMINISTRATIVE COUNTY OF HERTFORD.

The Council of the BOROUGH OF ... HEMEL Hempstead ... URBAN DISTRICT ... RURAL DISTRICT

TOWN & COUNTRY PLANNING ACT, 1947

To Mr. T.C. Batchelor, c/o P. J. Boulter, 57 Marlowes, Hemel Hempstead

site for 5 detached bwn alows ... adjacent to "Chanty Cafe" London Road Hemel Hempstead

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 15th December 1960 and received with sufficient particulars on 16th December 1960 and shewn on the plan(s) 7495 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 shown in the Hertfordshire County development plan as being within the proposed local green belt which it is the policy of the local planning authority to preserve as open land free from further development.
2. The proposed development is not considered to be essential to the needs of the area and would detract from the open character and amenity of this part of the local green belt.
3. The development, if permitted, would result in an extension of development alongside the trunkroad A41, at Bourne Rd, and the traffic pattern generated would be prejudicial to the free flow and safety of traffic on the trunk road.

Dated 27th day of February 1961

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.



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: Lozanlan, Parl, London

Telephone: TRAFALGAR 8020 , ext. 29

12/122/65
7495/1

8.3.1966

Do address any reply to

AFP/1199/A/98226

PWP/JR/L/6

Sir,

Town and Country Planning Act 1962: Section 23
Appeal by Mr. T. C. Batchelor
Land adjoining Shanty Cafe, London Road, Bourne End

I am directed by the Minister of Housing and Local Government to refer to your appeal against the decision of Hemel Hempstead Borough Council, acting on behalf of Hertfordshire County Council, to refuse planning permission for the erection of two detached bungalow units or chalet bungalows on the land described in the heading.

The written representations made in support of the appeal and those of the council have been considered. An officer of the Department has visited the site.

Two previous appeals by your client relating to the erection of dwellings on this land were dismissed by the Minister in 1960 and 1961, and it is not considered that there has been any change in circumstances since that date which would justify allowing the present proposal. The appeal site, in common with the whole of Bourne End, is within and overlaid by the extended green belt, the proposals for which are now before the Minister as part of the review of the development plan. Pending approval of these proposals the local planning authority are, with the Minister's general agreement, exercising development control within the proposed green belt in accordance with their policy for the approved green belt. No special reasons have been put forward which would warrant making an exception to the general presumption against new residential development under green belt policy: in any case the proposal for the appeal site is brought to be beyond the development limits of the village and not therefore an acceptable infilling. Furthermore the proposal is considered to be objectionable on grounds that the traffic created by the development would be likely to add to the existing traffic hazards on this stretch of the A.41 trunk road.

4. Accordingly the Minister hereby dismisses the appeal.

I am, Sir,
Your obedient Servant,

H. C. COLLINGTON

Authorised by the Minister
to sign in that behalf

Secretary
Minister of Housing and Local Government
Whitehall, London, S.W.1