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:* APP/1919/A/72962
*Your reference:* PJF/SF.

DIVISIONAL PLANNING OFFICE
20 FEB 1964
WEST HERTS

30 JAN 19

W/2435-62.

Sir,

Town and Country Planning Act 1947 - Section 16
(now Town and Country Planning Act 1962 - Section 23)
Appeal by Mr. C. A. Dyker and The Misses A.M. and M.I.Dyker

1. 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., on the local inquiry into your clients' appeal against the decision of the Berkhamsted Rural District Council, acting on behalf of Hertfordshire County Council, to refuse permission for the erection of a dwelling on land adjoining Demeath, Shootersway, Northchurch, Berkhamsted.

2. The Inspector, a copy of whose report is enclosed, found that the appeal site formed part of the 2½ acre grounds attached to your clients' bungalow, one of a group of three widely spaced dwellings in a rural area. Your clients were elderly and the bungalow was now too large and inconvenient for their requirements. They wished to live in a smaller modern bungalow on the site. From the Class III road adjoining the site there was a fine view of open country. The site was within an area proposed to be included in the Metropolitan Green Belt. In his opinion the proposal would consolidate the existing group of dwellingsand this would be contrary to the interests of the green belt. He recommended that the appeal be dismissed.

3. The Minister agrees with the Inspector that it would be undesirable to add to this small group of houses in the open countryside to the southwest of Shootersway. The local planning authority's proposals for including this area in the metropolitan green belt will shortly be considered by the Minister in the context of the review of the development plan recently submitted to him. While he sympathises with the reasons which lead to this application being made he does not regard these as sufficient to outweigh the planning objections to the proposal. He therefore accepts his Inspector's recommendation and dismisses your clients' appeal.

I am, Sir,
Your obedient Servant,

(MISS E. M. BARBER)

Authorised by the Minister
to sign in that behalf.

P. J. Fountaine, Esq., F.R.S.A.
85, High Street
CHESHAM
Bucks.

D.C. 4

H.C.C. Code No W/2435/62.

L.A. Ref. No. BR/126/62.

# ADMINISTRATIVE COUNTY OF HERTFORD.

*The Council of the* BOROUGH OF .....

URBAN DISTRICT OF .....

RURAL DISTRICT OF Berkhamsted.

# TOWN & COUNTRY PLANNING ACT, 1947

*To* Mr. C.A. and The Misses A.M. and M.I. Dyker,
per Messrs. P. Fountaine and Cruickshank,
85, High St., Chesham, Bucks.

Site for one dwelling,

at adjoining Demeath, Shootersway, Northchurch, Berkhamsted, 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 19th. December, 1962, and received with sufficient particulars on 21st. December, 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 is within a proposed extension of the Metropolitan Green Belt where 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 March, 19 63.

D.J. Emmerson

*Clerk/Surveyor of the Council.*

26/20

SEE NOTES OVERLEAF

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.