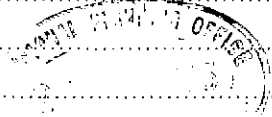


H.C.C.
Code No. W/2637/64
L.A.
Ref. No. BR/135/64

ADMINISTRATIVE COUNTY OF HERTFORD

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



TOWN & COUNTRY PLANNING ACT, 1962

To

Mr. L. Goodman,
Amersfort,
The Common,
Berkhamsted.

Three houses as infilling of existing residential
development,
at Amersfort, The Common, Berkhamsted.

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 10th November, 1964. and received with sufficient particulars on 12th November, 1964. 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 to 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 18th day of January, 1965.

D. J. [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.



Please address any reply to
THE SECRETARY
and quote: APP/1919/A/93421
Your reference:

W/2637-64-65

E4 JAN 1966

Gentlemen,

Town and Country Planning Act 1962 - Section 23
Appeal by Mr. L. Goodman

1. I am directed by the Minister of Housing and Local Government to refer to the report of his Inspector, Mr. J. H. Chater, C.Eng., A.M.I.Mun.E., M.Inst.H.E., 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 three houses on land at Potten End Road, Berkhamsted Common.
2. The Inspector, a copy of whose report is enclosed, found, among other things, that the houses between Potten End Green and Amersfort could be seen on the skyline from the lower slopes of the Bulbourne Valley, from the country lane leading up from road A.41 in the bottom of the valley to Potten End, and from the opposite side, about one and a half miles away. The appeal site was a pasture field and the only break in an otherwise residentially developed frontage between Potten End Green and the eastern boundary of Amersfort, which otherwise sealed off the view from Berkhamsted Common southwards over the Bulbourne Valley. He was of the opinion that the filling of the gap with three houses between "South Winds" and "Windle" at the southern edge of this area of great landscape value would make this already intrusive ribbon of urban-type development more noticeable from the valley, damaging the rural character of the view of the southern edge of Berkhamsted Common. Moreover it would complete the enclosure of the southern edge of the common and deprive the general public, enjoying this attractive rural area, of the view of the valley and hills beyond, toward the south. The Inspector recommended that the appeal be dismissed.
3. It is noted that the appeal site forms part of the proposed extended metropolitan green belt in the review development plan now before the Minister, and that although the village of Potten End is listed in the review written statement as one in which some infilling may be permitted on selected sites, the appeal site has not been selected for infilling. The Minister sees no reason to disagree with the Inspector's conclusions and he accepts his recommendation; accordingly he hereby dismisses your client's appeal.

I am, Gentlemen,
Your obedient Servant,

H. C. HOLLINGTON

Messrs. Brown and Merry
Surveyors, Auctioneers, Valuers,
Land and Estate Agents
LEIGHTON BUZZARD
Beds.

(H. C. HOLLINGTON)

Authorised by the Minister
to sign in that behalf.

noted R.H.S. 20/2/67