

HJ on record
inspector decision
on appeal cases
COUNTY PLANNING OFFICE
30 JUN 1969
HERTFORDSHIRE



Ministry of Housing and Local Government
Whitehall London SW1

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Messrs Brown & Merry
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LEIGHTON BUZZARD
Beds

Please reply to The Secretary

Your reference

PHK/MAS

Our reference

T/APP/2142/A/37059

Date 26 JUN 1969

7602

Gentlemen

W/3077-68 *Pl. keep*
records of decisions
taken by Inspector
(These will be taken to the
Department)

TOWN & COUNTRY PLANNING ACTS 1962-1968
APPEAL BY MR. R MORRISON

- I refer to your client's appeal under Section 23 of the Town & Country Planning Act 1962, against the refusal of the Hemel Hempstead Rural District Council, acting on behalf of the Hertfordshire County Council, to permit the erection of one dwelling and garage on land adjoining "Bushfield", Bushfield Road, Bovingdon. The determination of this appeal falls to me by virtue of Part III of the Town & Country Planning Act 1968 and the Regulations made thereunder. I have considered the written representations made by you in support of the appeal, and those of the council. I inspected the site on Tuesday 17 June 1969.
- Bushfield Road, a metalled road with grass verges and no footpaths and about 330 yds long, is the backbone of one of a number of pockets of urban development between Hemel Hempstead and Bovingdon and connects Hempstead Lane (B.4505) on the north with Stoney Lane, a public bridleway, on the south. Bushfield Road is wholly residential in character and there are further dwellings extending east and west from the junctions along Hempstead Lane and Stoney Lane for a limited extent, beyond which are extensive tracts of open lands followed by further dwellings.
- For the most part the dwellings along both sides of Bushfield Road are large detached types standing in generous sized, tree planted, grounds. Exceptions occur at "Bushfield", a smaller semi-bungalow on the east side of the road on a site of about 2/3 of an acre, a pair of pre-war semi-detached houses on the opposite side of the road and a post-war house "Littlestocks" to the south which occupies most of its site frontage, about 60 ft. Littlestocks was permitted in 1961 because, according to the council, of exceptional circumstances.
- The appeal site comprises about half of the land about "Bushfield" and is the southern strip having a frontage of about 62 ft and a depth of about 244 ft. A strip of woodland, about 25 ft wide, extends along most of the southern boundary of the site.
- The main arguments advanced on behalf of your client are: first, a dwelling on the site in this predominantly residential area would not cause the slightest harm to the proposed extension of the metropolitan green belt; second, the objectives of a green belt as set out in Circular No. 42/55 would not be affected; third, the fact that the Minister has not approved the proposed extension of the metropolitan green belt is a clear indication he does not consider the area to be sacrosanct against development; fourth, a building to be used in connection with agriculture would be wholly inappropriate in this residential area.

6. The main arguments advanced by the council are: first, 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 agriculture or other essential purposes. No such need has been proved; second, the area was included, in 1958, in a "white" area where further development was not envisaged, except when it was found to be necessary; third, the first review of the development plan, submitted in 1963, included proposed extensions of the approved metropolitan green belt and also large parts of the white areas; fourth, although the Minister has not at this stage approved the proposed extension of the metropolitan green belt the local planning authority will, in rural areas (formerly white areas), as a general rule, permit in those areas development appropriate in the neighbouring green belt; fifth, Bovington is indicated as a "listed" village in the first review proposals, in which applications for development are considered on their merits, sixth, the development in Bushfield Road and Stoney Lane is in no sense a village within which further development might be accepted, and permission for the consolidation and intensification of development, by way of infilling, not allied to agriculture or other essential need would be contrary to the planning authority's green belt policy; seventh, some development, mostly following permissions submitted before the adoption of the stricter green belt policy in 1960, were allowed in the locality in the form of limited infilling.

7. From my inspection of the site and its surroundings, and the representations made, I am of the opinion that the determining issues to be considered are: first, whether a dwelling on the site would be detrimental to its surroundings; second, whether the sub-division of "Bushfield" is reasonable; third, the effect of the proposal on the green belt. The site would be too small for agricultural use but it would provide a plot of a size suitable for a dwelling that would be in character and scale with existing dwellings. At the same time sufficient land would be retained about "Bushfield" for its continued use and enjoyment as a detached dwelling. The use of the site for residential purposes might save agricultural land elsewhere. Although the site is in a proposed extension of the metropolitan green belt it is part of a small area which is residential in character and is likely to remain so permanently. The addition of a house on the appeal site in this pocket of urban development would not affect the green belt in any way. Judging this application on its merits I am satisfied the site is an appropriate place for a dwelling, where it is hoped attention would be given to retaining the maximum number of trees commensurate with satisfactory siting. I have considered the other matters raised in the written representations but I am of the opinion that they are insufficient to outweigh the considerations leading to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow your client's appeal and grant planning permission for the erection of a house and garage on the appeal site in accordance with the terms of the application (H.C.C. Code No. W/3077/68) dated 29 October 1968, subject to the following conditions:

- (1) (a) Approval of the details of the siting, design and external appearance of the building and the means of access thereto (hereinafter "the reserved matters") shall be obtained from the local planning authority;
- (b) Application for approval of the reserved matters shall be made to the local planning authority not later than 30 June 1972.
- (2) The development hereby permitted shall be begun on or before whichever is the later of the following dates:-
 - (a) 30 June 1974 or;
 - (b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

9. Attention is drawn to the fact that a person aggrieved by a decision of the local planning authority on the reserved matters referred to in this permission has a statutory right of appeal to the Minister.

10. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 13 of the Town & Country Planning Act 1962,

I am Gentlemen
Your obedient Servant

R. St G. Whelan .

R St G WHELAN
Inspector