

**ADMINISTRATIVE COUNTY OF HERTFORD**

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

**TOWN & COUNTRY PLANNING ACT, 1962**

To **Mr. E. Sayres,** **C.R. Lamb, Esq.,**  
**The Mushroom,** **62 Western Road,**  
**Shootersway,** per **Tring.**  
**Berkhamsted.**

Additional livingroom with new entrance hall and  
cloakroom and three bedrooms with a bathroom over,  
at **The Mushroom, Shootersway, 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 **27th August, 1965.** .....  
and received with sufficient particulars on **30th August, 1965.** .....  
and shewn on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

The proposed extension, which provides for an increase of approx. 200% in the original floor area of the existing building, is considered by the Local Planning Authority to represent such a material increase as to be tantamount to a new dwelling. The site is within a proposed extension to the Metropolitan Green Belt in which it is the policy of the Local Planning Authority to restrict new building development to that essentially required either for agricultural purposes or some other rural use and no evidence has been given that the proposed development will comply with this policy. The development if permitted would therefore represent undesirable new building in the Green Belt.

Dated **7th** ..... day of **October** ..... **1965.**

  
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

... etc. 29

W/1927/65

Please address any correspondence to:

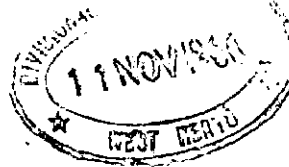
THE SECRETARY

and quote

APP/1919/A/5293

Your reference

W/Mn/13122



1966

Gentlemen,

Town and Country Planning Act 1962 - Section 23  
Appeal by Mr. E. A. Sayre  
Premises at "The Mushroom", Shootersway, Berkhamsted

I am directed by the Minister of Housing and Local Government to refer to the report of his Inspector, Mr. J. S. Mappin, A.R.I.C.S., A.M.T.F.I., on the local inquiry into your client's appeal against the decision of the Berkhamsted Rural District Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for an extension, providing an additional living room with new entrance hall and cloakroom, and three bedrooms with a bathroom over, to the premises mentioned in the heading to this letter (Application No. W/1927/65).

2. A copy of the Inspector's report is enclosed.

3. The Inspector in his conclusions said that the council fairly conceded that it would be reasonable to meet your client's needs for some improvement with a ground floor extension of "The Mushroom", a property located in the area of the proposed metropolitan green belt where there were severe restrictions in residential building for ordinary needs. However, having regard to what already existed, the proposed addition, attractively propounded, would completely submerge the character of the present small bungalow and give rise to a dwelling entirely different in character. This would be so particularly having regard to size, bulk and appearance. Furthermore, the form of the proposed extension would readily lend itself to severance from the existing portion. It could, with little work, easily form a new separate residential unit in the area of the proposed extension to the metropolitan green belt. The Inspector recommended that the appeal be dismissed.

4. The Minister is in broad agreement with the Inspector's conclusions. Although it would, it is thought, be wrong to attach undue weight to preserving the character of the small bungalow which now stands on the appeal site, any extension of that dwelling should be compatible in bulk and more closely integrated with the existing structure, in view of its location in a proposed extension of the green belt where new development would not be permitted unless there were special reasons in its favour.

5. The Inspector's recommendation is therefore accepted: accordingly the Minister hereby dismisses the appeal.

I am, Gentlemen,  
Your obedient Servant,

Messrs. Wallington, Fabian  
and White  
Solicitors  
Leet Court  
King Street  
WATFORD  
Hertfordshire

(H. C. HOLLINGTON)

Authorised by the Minister  
to sign in that behalf.



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON S.W.1

Telegrams: Locaplan, Parl, London

Telephone: TRAFalgar 8020 , ext. 650.

Please address any reply to

THE SECRETARY

and quote: APP/1919/A 5293

Your reference:



18th February 1966

Sir,

Town and Country Planning Act 1962

Appeal under section 23 by E. A. Hayes Esq -  
concerning Extension of House at Shobden, Berkhamsted.

I am directed by the Minister of Housing and Local Government to refer to the above-mentioned appeal made to him under section 23 of the Town and Country Planning Act 1962.

On the information before him the Minister thinks that, with the agreement of both parties, a local inquiry might be dispensed with in this instance and that he could obtain sufficient information to enable him to decide the appeal from written statements submitted by the council and the appellant.

Arrangements would be made for one of the Minister's officers to visit the site to provide him with a description of the site and its surroundings. If the visiting officer needs to enter on the site it will be necessary for him to be accompanied by representatives of both parties and in this event you will be notified of the date and time the visit will take place. The visiting officer will not, however, be able to hear representations about the appeal from either side, and his report will not be made available to the parties.

The Minister would like to know within fourteen days whether the council agree to the adoption of the written procedure. If they and the appellant both agree the Minister will notify both parties accordingly and he asks you to adhere to the following timetable as closely as possible:-

- (i) the council's statement, with an extra copy to be forwarded to the appellant, should be submitted to the Department as soon as possible, and in any event not later than one month from receiving the Minister's notification that the appeal is to be decided by means of written representations;
- (ii) copies of the council's statement and that of the appellant will be exchanged as soon as they are received;
- (iii) on the exchange of initial statements the Minister will ask for any further comments within a fortnight;
- (iv) after receiving further comments (if any) he will normally expect to be able to decide the appeal.

Wherever possible the site visit will be arranged while the written exchanges are going on.

I am, Sir,  
 Your Obedient Servant,

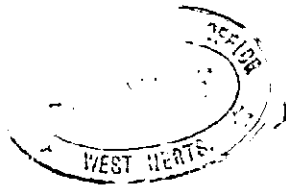
J. BURROWS.

T.C. The Clerk of the Berkhamsted,  
 R.D.C.

20/2/66

MINISTRY OF HOUSING & LOCAL GOVERNMENT

REF APP/1919/A/5293  
W/Hn/13122  
W/1927-65



9th November, 1966.

Gentlemen,

Town and Country Planning Act 1962 - Section 23  
Appeal by Mr. E. A. Sayres  
Premises at "The Mushroom", Shootersway, Berkhamsted

I am directed by the Minister of Housing and Local Government to refer to the report of his Inspector, Mr. J.S. Mappin, A.R.I.C.S., A.M.T.P.I., on the local inquiry into your client's appeal against the decision of the Berkhamsted Rural District Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for an extension, providing an additional living room with new entrance hall and cloakroom, and three bedrooms with a bathroom over, to the premises mentioned in the heading to this letter. (Application No. W/1927/65).

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5. The Inspector's recommendation is therefore accepted; accordingly the Minister hereby dismisses the appeal.

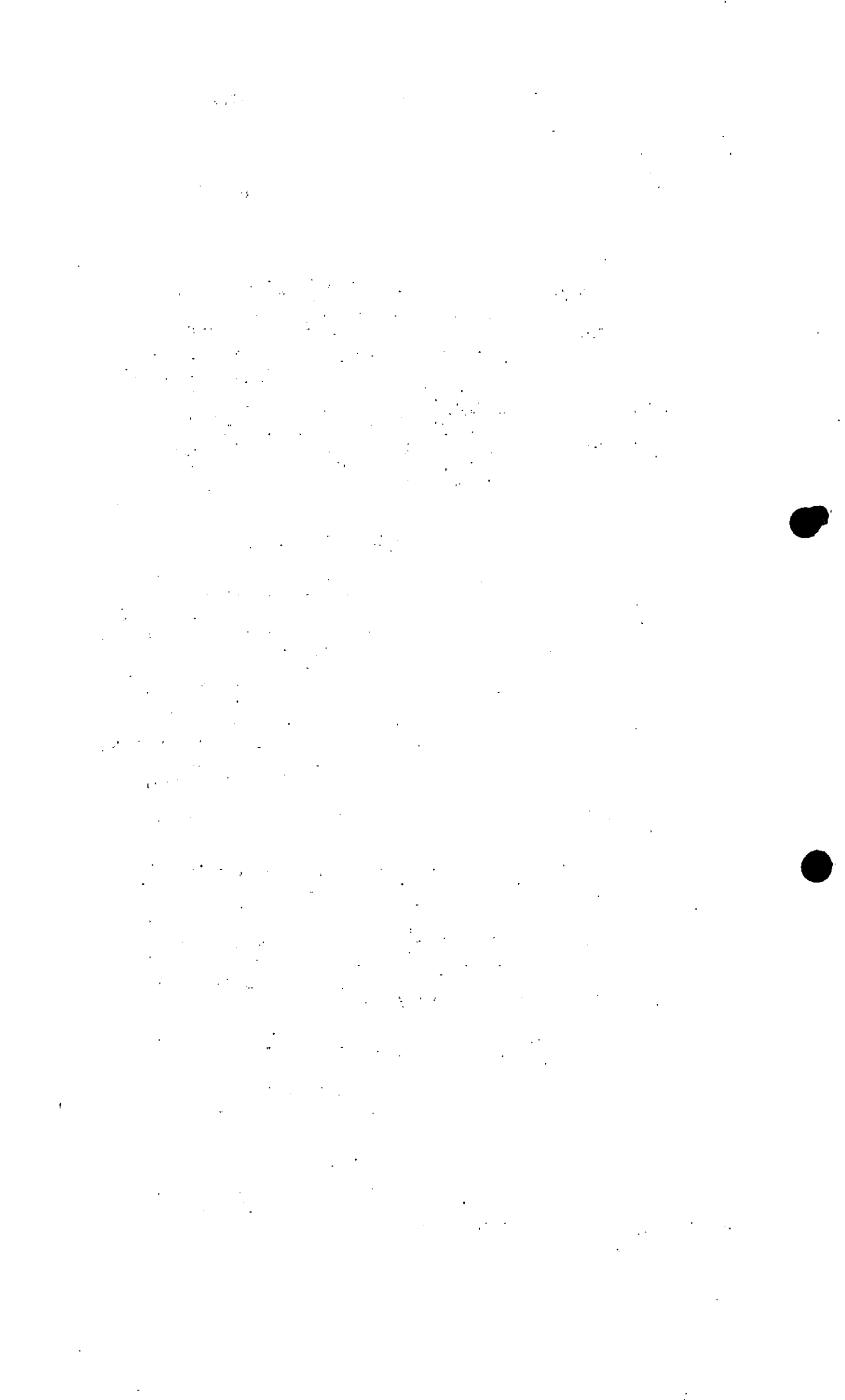
I am, Gentlemen,  
Your obedient Servant,

( H. C. HOLLINGTON )

Authorised by the Minister  
to sign in that behalf.

Messrs. Wallington, Fabian and White,  
Solicitors,  
Leet Court,  
King Street,  
WATFORD,  
Hertfordshire.

*Handwritten signature*  
" 4 Nov 9/11/66 "



TOWN AND COUNTRY PLANNING ACT 1962

Town and Country Planning General Development Order 1963

Appeal to the Minister of Housing and Local Government

I, (full name in block letters) EDWARD ARMSTRONG SAYRES
of (full address) "THE MUSHROOM", SHOOTERSWAY, BERKHAMSTED, HERTS
(Tel. No. ....)

AM AGGRIEVED BY

- \*the decision of the local planning authority under the Town and Country Planning General Development Order 1963 and Section 17 of the Town and Country Planning Act 1962
\*refusing permission for development as described below.

\*Strike out inappropriate words

the local planning authority to give consent for the development as described below of the site of the application to the Minister of Housing and Local Government under the provisions of the Town and Country Planning Act 1962 and the Town and Country Planning General Development Order 1963.

\*\*See note (iii) overleaf

I HEREBY APPEAL to the Minister under Section 23 of the Act of 1962 and in accordance with the Order of 1963.

\*\*I ENCLOSE

- (a) a copy of the application made to the local planning authority for planning permission in respect of the development.
(b) a copy of all relevant plans, drawings and particulars submitted to the authority.
(c) a copy of the notice of the authority's decision, if such notice has been given.
(d) a copy of all other relevant correspondence with the authority.
(e) the appropriate certificate under Section 16 of the Act, as applied by Section 23 (6).

\*\*One copy of each of these documents is essential to the appeal

Date 6 January 1966 Signed Wallington Fabian & White (Solicitors for and on behalf of appellant)
Name and address of agent or professional representative, if any, to whom further communications should be sent (see notes (i) and (ii) overleaf) Wallington Fabian & White, Solicitors, Leat Court, King Street, Watford Herts (Phone Watford 24455 Ref W)

PARTICULARS OF THE APPEAL

Name of local planning authority BERKHAMSTED RURAL DISTRICT COUNCIL

Description and situation of the land (giving name of parish or locality) to which the appeal relates
The Dwellinghouse and land known as "The Mushroom" Shootersway, Berkhamsted, Herts. National Grid Ref. (if known) O.S. Herts Sheet XXXI. 4 (see plans herewith)

Description of the development
Extension of existing house

Precise grounds of appeal (continue on separate sheet if necessary)

- 1. The development consists only of an extension and which is no more than sufficient for the present reasonable needs of the appellant and his family
2. The extension would improve the appearance of the existing house and make it more suitable for the locality and is a desirable proposal
3. A dwelling has existed on the site for many years
4. It is inaccurate and unreasonable to regard the proposal as one for a new dwelling
5. The refusal is unreasonable

IMPORTANT

\*Date of authority's decision..... 7th October 1965

If the appeal arises from the failure of the local planning authority to give notice of decision, or of reference of the application to the Minister of Housing and Local Government, state below the

\*Date of application to the authority..... -----

If the appeal is not made within one month from the receipt of notice of the authority's decision or from the date of expiration of the statutory period (††) allowed for the authority's decision, as the case may be, state reasons for the delay in lodging the appeal and the grounds upon which it is considered that the Minister may properly grant an extension of time.

Notice of appeal given by letter of 28th October 1965 from Appellant's  
Architect to Ministry (Copy herewith)

NOTES

(i) The appellant has a right under section 23 (5) of the Town and Country Planning Act 1962 to demand an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose. It is the Minister's usual practice to send an Inspector to hold a local inquiry and report to him on the matter at issue.

In some cases the Minister may consider it possible, with the agreement of the parties, to dispense with an inquiry and decide the appeal on the basis of written statements submitted by the parties. In that case it may be necessary for one of his officers to inspect the site. The Minister will suggest this course to the parties in any case where it appears to him to be suitable.

(ii) Inspectors sent to hold inquiries are qualified persons, and it is their duty to ascertain, from representations put forward by the parties and by personal inspection, all the relevant facts in order to ensure a fair and impartial decision. All representations are carefully considered and receive full attention whoever is the spokesman. The Minister considers, therefore, that there is generally no necessity for either party to incur any heavy costs in presenting their case at inquiries.

(iii) The period allowed to the local planning authority for giving notice to the applicant of their decision or of the reference of the application to the Minister is three months in cases affecting trunk roads and two months in all other cases, but this period may be extended by agreement in writing between the applicant and the local planning authority.

(iv) The Minister has power under section 23 (4) of the Act of 1962 to "reverse or vary any part of the decision of the local planning authority, whether the appeal relates to that part thereof or not, and may deal with the application as if it had been made to him in the first instance".

SECTIONS 16 and 23 (6) OF THE TOWN AND COUNTRY PLANNING ACT 1962

If you are the freeholder or a tenant of all the land to which the appeal relates and if no part of the land is an agricultural holding (as defined below) or part of one, then you should complete the certificate printed below. (You should complete the certificate on only one copy of this form.)

In any other case you should read the enclosed "Notes for Appellants" and complete the appropriate certificate. Do not amend any certificate to suit the circumstances of your case.

Any person who knowingly or recklessly issues a certificate which contains any statement which is false or misleading in a material particular is liable on conviction to a fine not exceeding £50.

"Agricultural holding" has the same meaning as in the Agricultural Holdings Act 1948, viz., "the aggregate of the agricultural land comprised in a contract of tenancy, not being a contract under which the said land is let to the tenant during his continuance in any office, appointment or employment held under the landlord." If you, or someone else, own all the land and occupy it for agricultural purposes, it is not an agricultural holding because no tenancy is involved.

Certificate A

TOWN AND COUNTRY PLANNING ACT 1962  
Certificate under Sections 16 and 23

We ~~X~~ hereby certify that:

1. ~~NAME~~ the estate owner in respect of the fee simple

\* The appellant is \* ~~SHIRAZ EXHIBITION~~ of every part of the land to which the

accompanying appeal dated..... 1966 relates:

2 None of the land to which the appeal relates constitutes or forms part of an agricultural holding.

Signed..... Date..... 1966

\*On behalf of the appellant.....

\*Delete where inappropriate.





MINISTRY OF HOUSING & LOCAL GOVERNMENT

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Please address any reply to  
THE SECRETARY

and quote: APP/1919/A 5293  
Your reference:

18<sup>th</sup> February, 1966

Sir,

Town and Country Planning Act 1962

Appeal under section 23 by E. A. Hayes Esq -  
concerning Retention of Home of Shotbury, Berkhamsted.

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J. BURROWS.

The Clerk of the Berkhamsted  
R.D.C.