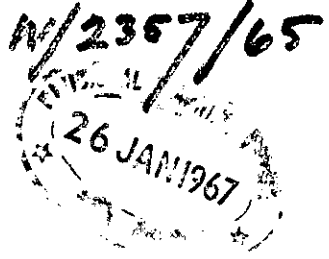


For Minister's Decision see  
W/476/66



BERKHAMSTED URBAN DISTRICT COUNCIL

Town & Country Planning Act 1962

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APPEAL by A.W. PENN against deemed refusal of planning permission for residential development at Dove Meadow High Street, Northchurch, Berkhamsted, Herts.

Local Authority Plan No: 290/65  
Herts C.C. Code No. W/2357/65  
Ministry of Housing & Local Government reference number: APP/839/A/12673.

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The Berkhamsted Urban District Council submit the following observations on the above application and the grounds of appeal:

1. This application relates to the residential development of an area of approximately 1.8 acres of land situate at the rear of the premises known as Dove Meadow, High Street, Northchurch, Berkhamsted.
2. The development proposed in this application is associated with other residential development proposed in two other applications for planning consent and illustrated in Plans 45/66 (Ministry of Housing and Local Government reference APP/839/A/12674) and Plan No. 291/65 (Ministry of Housing & Local Government reference APP/839/A/12672). The proposals outlined in the application form an extension to the proposals shown in these other two applications and all are inter-related and dependent upon each other.
3. The land shown in the application is indicated on the current Town Map as a "White" area. On the recent First Review of the Town Map an objection was lodged to the proposed zoning of the area as a Green Belt area. The objection was heard by the Minister under Reference No. 1403/W/163, The result of such hearing is not yet known.
4. The original planning application was made on the 1st November 1965 and the statutory period for giving a decision expired on the 2nd January 1966. The consultations which were necessary concerning this application resulted in delay in giving a decision and the statutory period was first extended until 2nd February 1966. It was learned in January 1966 that it was likely that the Ministry of Transport would issue a Direction of refusal in relation to the other applications mentioned above but that further consideration would be given to those applications if an alternative road layout which did not involve a junction with A.41 but would be limited to a road access into New Road Northchurch could be prepared. The applicant for planning consent was aware of these matters but no formal extension of the statutory period was given.

The Divisional Planning Officer in a letter dated 1st August 1966 recommended that planning consent should be refused for the following reason:

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.

The recommendation submitted by the Divisional Planning Officer was a fundamental recommendation.

5. Having regard to the foregoing the Council had no option but to inform the applicant that the Council were not able to give a decision because the statutory period had expired. The applicant was informed that if a decision could have been given it would have been a refusal of consent for the reasons given above.
6. Discussions are still proceeding with the original applicant, Messrs R. Hewitt (Kings Langley) Limited as to an alternative scheme for developing the appeal site and the two other areas of land referred to in Plans 45/66 and 290/65 (which are referred to above), but the outcome of these discussions is not yet known and would have to be the subject of a further application for planning consent. In the circumstances it would appear that the applicant wishes to lodge an appeal against deemed refusal so that the facts leading to such refusal may be challenged.

Dated this 14th Day of September 1966

Civic Centre,  
Berkhamsted, Herts,

Clerk of the Council.