

HITCHAM & TAPLOW

PRESERVATION SOCIETY

NEWS LETTER NO. 17.

AUTUMN 1968.

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All communications should be addressed to:-

The Chairman,

Dr. M.A.T. Rogers,

Learig,

Hitcham Road,

Burnham,

Bucks.

### Foreword.

With this News Letter we send you a note, written by Mrs. Ibbetson, who has been studying the history of the district in connection with her work on Commons Registration (see News Letter). It is perhaps especially relevant now that the Dropmore Estate is once more on the market.

Also accompanying this News Letter is a Notice convening the Annual General Meeting, at which we hope to meet most of our Members again; you are most welcome to bring friends, especially if you think they might be prepared to join.

### COMMON LAND.

In our Spring News Letter we listed the areas which we considered ought to be registered under the Commons Registration Act of 1965.

The Taplow Parish Council gave careful consideration to the detailed Schedule which we had drawn up, and decided to register all those lying within the Parish boundaries. We were very happy with this decision and, in due course, we gave assistance to the Clerk to the Taplow Parish Council in a three hour session, in which six forms were filled up covering ten areas, with fifteen supporting maps and one Statutory Declaration. Subsequently, the Society itself registered those areas lying within Burnham Parish on three further forms, bringing the grand total of supporting maps to 21.

One circumstance is giving us a little concern. The name of the Act is a little misleading, insofar as registration covers not only Commons, but also Village Greens, and indeed a different form is used for the two classes. It is not always apparent which form is the correct one to use. Generally speaking, Common land rights are associated with something such as gravel or brushwood, which the Commoners have the right to take away, and their right of access is for this purpose only. A village green, on the other hand, allows Commoners access, but they have no right to take away anything from the land in question (e.g. Burnham Beeches). We had to make a number of arbitrary decisions as to which form we should use. The Council for the Preservation of Rural England has now pointed out that there is no provision in the Act for a transfer of an item registered on one form on to the other kind. One or two of our decisions may possibly be considered to be incorrect (the distinction is subtle and legally complex), and it seems wrong that the validity of such registrations should depend upon such a fine point.

It is to be hoped that the Authorities do not stand upon the letter of the law when the time comes to consider the registrations; alternatively the Government might be persuaded to amend the Act.

### PUBLIC PARTICIPATION IN PLANNING.

A Committee, under the Chairmanship of Mr. Skeffington, M.P., is considering how the public may be given a greater opportunity to participate in the formative stages of planning. This is a subject very dear to our hearts, and we have submitted evidence. It is our firm conviction that the public ought to have more opportunity than it has now to express opinions, and to influence decisions, in all major plans and developments. In order to do this, it must have more information.

We have referred in earlier News Letters to the enlightened action of the Maidenhead Borough Council in disclosing plans for the Riverside area at a very early stage, and we hope that the Committee will recommend that this sort of procedure (which is the exception rather than the rule) be encouraged, or even made obligatory.

Our own recommendations were concerned rather more with the later than with the formative stages in planning, but we understand that the Committee was prepared to go beyond its strict terms of reference. Our letter concluded with the following summary:-

"To sum up, we ask:-

- (1) That Amenity Societies such as ours, as well as Parish Councils, have the right to receive lists of Planning Applications by post on payment of a reasonable fee.
- (2) That Planning Applications be worded in such a way as to disclose what is proposed.
- (3) That interested parties, including Amenity Societies, should have the right to see plans and elevations of all major developments in their areas - (we do not attempt here to define the word 'major'), especially those in which the Local Authority is itself the developer.
- (4) That Amenity Societies should have the right to be informed of all Planning decisions in which they have made written comment or submitted evidence.
- (5) That Amenity Societies should have the right to be informed of all public and local Inquiries in their areas".

#### GREEN BELT POLICY.

The following Memorandum was written by the Hon. Secretary of the Bucks Branch of CPRE (Mr. Alexander). It is reproduced here with his kind permission, because we think that members may have been as confused as we have been by the succession of reports on the South East which have been published during the last few years.

The Memorandum calls special attention to the suggestion of one of the Reports that Green Belt policy should be reviewed and changed. Alerted by this Memorandum, the Penn Country Branch of CPRE sent a copy of it to the County Planning Officer (Mr. Pooley), whose reply to the Secretary (Mrs. Pitcher) is also reproduced with his permission.

The Green Belt has been described as the one and only aspect of Planning which is generally understood and agreed. The maintenance of our area in particular, and of South Bucks in general, as a largely rural community depends almost wholly upon the Green Belt, and we should resist any proposal which weakens its efficacy. We therefore welcome the reassuring views of the County Planning Committee reported in Mr. Pooley's letter.

Memorandum on Strategy for the South East

Notes on A Strategy for the South East, 1967, prepared by the Department of Economic Affairs with reference to the South East Study 1961 - 1981, published February 1964 by the Ministry of Housing and Local Government, and to the Report of the Standing Conference on London and South East Regional Planning, November 1966.

National Aspect:

Statistics.

What is common to these three reports is that they put before the reader a bewildering mass of statistics, and that they are concerned with the problems of London and with the South East Region as the area in which they must, for the most part, be resolved.

The authors of the studies claim to use the best statistics which are available. For the South East Study figures provided by the Ministry of Labour are extensively used; in A Strategy for the South East, statistics of the 1961 Census. What statistics are the best at the time is important.

The South East Study in 1964 postulated a natural growth in the South East from 1961 to 1981 of 24 millions (Table II, page 22); A Strategy for the South East in 1967 for 1964 to 1981, 2,140,000 (Chap.2, para.17). The first report estimated net migration into the South East 1961-81 of 1.1 millions (Chap.5, para.15), the second estimated that last year (1966) more people left the region than came in (Chap.2, para.14), and suggests that on balance the region will continue to lose population to the other regions of England and Wales (Chap.2, para.15). These figures are quoted not in criticism of the reports but to suggest that all such figures are highly speculative and conclusions based on them no less so.

A Strategy for the South East says (Chap.2, para.13) that any change in the projections will merely mean that growth will occur a few years sooner or later than we foresee at present, but it will still need to be accommodated.

This is open to question: if the persistent efforts of the Government over many years to attract industry and population to other regions are now showing results, and there is some indication that they are, the outflow from the South East Region may well increase significantly. The scale of emigration from the South East Region therefore appears to be the joker in the pack. It is a difficult figure to assess, but may very well invalidate much that is written in these reports.

What is dangerous is that statistical forecasts once published come to be accepted as valid for planning purposes. Plans once made and worked upon, even when based on faulty premises, become difficult to reconsider, as the Stansted case illustrates. We feel that a study should be undertaken of progress made in the redirection of industry and thus of population to other regions, and the probable effects of such development on current South East projections within the period up to 1981.

These remarks apply with still more force to any hardening of opinion as a result of these reports to a projection of development up to 2000 A.D.

Two of these studies of the South East are made by Government Departments, and one by a standing conference of local authorities. There is only passing reference to other regions except the Eastern Region. It would not be surprising if similar studies were to be made of other regions which seek to attract industry and population away from the South East; a different picture would emerge.

#### Effects on the County of Buckinghamshire:

There are two features of one or more of these reports on which Buckinghamshire should be heard.

#### Green Belt

A Strategy for the South East asserts that this Green Belt policy is negative, that it should be reviewed and should be replaced by a more positive designation of 'county areas'.

The Green Belt policy has the sanction of law and has been a sheet anchor for the preservation of much in this county which is fine. In applying this policy to the proposed extension of the Green Belt, some 80,000 acres, the Council has had the backing of the Ministry, for the last ten years or so.

The policy and its working are well understood, and its defence consistent and successful. To trade all this for the new designation offered by this study should be strongly resisted, unless indeed legal safeguards as stringent as those in force are offered.

#### Extension of Industry into North Bucks:

Early and strong resistance should be made to the shadowy proposals made in the study to link up the area of the county north of the M.1 with the proposed industrial development of Northampton. The establishment of a major industrial belt half-way between Birmingham and London put forward in the study seems open to criticism on national grounds when public resources are rightly engaged in trying to bring new industry and new life to development areas, that is away from the South East. The area in question is generally countryside of a high amenity order, with one of its dominating features the Ravenstone limestone ridge already under active consideration for designation as an area of outstanding natural beauty.

It should be stressed that the area of the county to the South of the M.1, which has been agreed as the site of the Milton Keynes development area, represents a scale of expansion beyond which development cannot be accepted if any association with the countryside is to be retained.

The projections made in A Strategy for the South East are prompted by statistics which may well prove invalid, but whether this proves the case or no, they should be resisted now on national, amenity and agricultural grounds, before they become accepted as valid in the official and public mind.

R.G. Alexander  
Hon. Secretary,  
C.P.R.E. Bucks Branch

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Copy of letter from the County Planning Officer, Bucks C.C., dated  
24th May 1968:

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Dear Mrs. Pitcher,

Strategy for the South East.

I received your letter of the 8th February, and the County Planning Committee noted the points raised in Mr. Alexander's memo. when they considered the Economic Planning Council's report "A Strategy for the South-East".

The Committee have expressed certain views upon the Strategy to the Standing Conference on London and South-East Regional Planning. Whilst accepting some of the broad objectives of the Strategy, such as the concentration of development in a few areas rather than its diffusion throughout the region, the need to preserve large stretches of countryside for agricultural and landscape reasons, and the need for improved communications with London, the Committee considered that the application of this policy as shown on the plan accompanying the report is unacceptable for the following reasons:-

- (a) the Strategy is based on the assumed necessity to provide for an extra 4m people to live in the South East Region between 1981 and 2000; the Committee do not accept either the validity of these statistics or the necessity to accept them as a basis of planning policy; they note that there is already a net emigration of population from the South East and they regard an increase on anything like this scale as unacceptable; they are determined that phasing techniques must be directed towards diverting any population increases there may be towards other regions in the country;
- (b) it pays insufficient regard to the distribution of existing development and agreed proposals for development, resulting in a false and over-simplified distinction being drawn between growth centres and green sectors;
- (c) it makes no provision for improved cross-communication within the region, such as an east-west route through Milton Keynes;
- (d) it abandons the proposed extension of the Green Belt, whilst retaining the approved Green Belt, the reason for proposing an extension to the Green Belt was that the approved Green Belt proved in practice to be too narrow to be effective; although not yet approved, the proposed extension has been accepted by the public and has been applied consistently for many years; it is virtually indistinguishable in practice from the approved Green Belt, and includes much of the Chiltern Area of Outstanding Natural Beauty; its absorption into a country zone would be a retrograde step and could be interpreted by the public as a weakening of control.

You will see that the County Planning Committee are as concerned as your Council about the proposals put forward in the Strategy.

Yours sincerely,

County Planning Officer

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## THE TOWN & COUNTRY PLANNING BILL 1968.

This year has seen the progress through both Houses of Parliament of the new Town and Country Planning Bill which has not yet become law. The *raison d'etre* of this new legislation is to be found in the recommendations of the 1965 Report of the Planning Advisory Group of the Ministry of Housing and Local Government on development plan procedure. However, the Bill makes changes in many other aspects of planning law. The purpose of this article is to summarise as briefly as possible some of the more important of these changes.

The development plan procedure was introduced under the Town and Country Planning Act 1947, whereby local planning authorities were charged with preparing development plans for their areas which must be brought up to date by quinquennial surveys. The development was subject to confirmation by the Minister of Housing and Local Government, and there were provisions for objections and representations by interested parties. This system is to be replaced by a two-tier system of "structure plans" and "local plans".

The procedure for making structure plans is similar to that for making the old development plans, but the structure plan will be far less informative than its predecessor. It will deal essentially with general policy and will lack detail. The property owner or preservation society member who is concerned about future development in a particular area will glean very little help from the structure plan. He will have to look at the local plan.

The local plan, which may take a variety of forms, is entirely the responsibility of the local planning authority. The Minister is not concerned in its preparation at all. The local planning authority is not obliged to make a local plan (unless it is directed to do so by the Minister). At the preparation stage the authority must provide for "adequate publicity", and "adequate opportunity" is to be given to all persons "who may be expected to have an interest" in the plan, to make "representations". Once the plan has been prepared the authority must consider objections, and it is specifically empowered - if it so wishes - to hold a public local enquiry. It is not obliged to hold one at the request of an objector. Even if a public local inquiry is held, the Inspector appointed could be an officer or member of the local planning authority concerned. Under the Bill the Minister has power to make Regulations concerning the preparation and making of structure and local plans. These Regulations will be of very great importance to the citizen.

One of the major themes of this Bill is the delegation of functions from central government to local authorities. This tendency, although it is one that is generally to be welcomed, would have dangerous consequences as far as objections and appeals are concerned. In recent years, especially since the publication of the Franks' Committee's Report in 1957, there has been in Parliament, and in the courts, a growing interest in administrative law and, in particular, in the rules of "natural justice", i.e. the rule against bias or the rule that no man or authority should be judge in his own cause, and the rule that no one should be condemned unheard. To allow local planning authorities to adjudicate upon objections to their own local plans without the objector having any right of appeal to the Minister seems to undermine the first rule of natural justice. If local planning authorities are to adjudicate upon objections to their own plans, can it be ensured that they will act with "openness, fairness and impartiality"



(the criteria upon which the Franks' Committee thought that administrative inquiries should operate), and above all that justice will not only be done but be seen to be done? It is in this respect that the Ministerial Regulations (if and when they appear) will be of crucial importance. If they provide that objections to local plans must be heard at a public inquiry, if they require that the Inspectors appointed by local planning authorities shall be chosen from panels of suitably qualified independent people approved by the Minister, and that the Inspectors themselves and not the local planning authorities should make the final decision on an objection, they will go a long way towards removing the dangers inherent in delegating all the local plan functions to the local planning authority.

The Bill also provides that many appeals against planning decisions shall be determined by the Inspector who presides at the Inquiry, and not - as at present - by the Minister himself. This was recommended by the Franks' Committee and, indeed, the vast majority of planning appeals are about local matters which, although of vital concern to the parties interested, rarely involve questions of Ministerial policy. It has been estimated that in the last five years 97.5 per cent of appeals have been decided by the Minister in accordance with his Inspector's recommendation. An appellant against a local authority's planning decision is not concerned with appealing to the Minister as such. He wants his appeal adjudicated by a competent and impartial tribunal and, for this purpose, the Inspector is as good as if not better than the Minister.

The Bill changes the law with regard to enforcement notices. The most important change is that the old rule, which requires that an enforcement notice must be served upon an owner or occupier of land who has developed it either without planning permission or in breach of conditions attached to a grant of planning permission within four years of the breach of planning control is repealed, and there is now no time limit. Although members of preservation societies may welcome this change as strengthening the development control powers of the local authority, it does seem to bring in an element of uncertainty and even of unfairness into the system. One distinguished commentator has suggested that a six year limitation period might be appropriate. If the authority have not acted within that time either the development is not very bad, or the council rather ineffective. An energetic preservation society can play its part by drawing attention to unpermitted development and clamouring for action.

Finally, it should be mentioned that the Bill also provides that the planning functions of local authorities (not just local planning authorities) may be delegated to officers of that authority. The Bill does not specify what officers are to be included. The whole question bristles with difficulties, and is likely to give rise to complaints about delegated functions from elected representatives to local government officials.

These are just a few of the more important provisions of the new Bill. Much will depend upon the nature of the Ministerial Regulations which will be necessary to bring it into effect when it becomes law. To anyone who asks what life will be like under the new Town and Country Planning Act, one can only answer with an Asquithian "wait and see".

Tithe Barn - Hitcham

The approved plans and specifications for the conversion of the Tithe Barn at Hitcham into a dwelling house were examined at the offices of the Eton R.D.C. by kind permission of the Clerk.

The following details noted from the plans give some idea of the modifications to be carried out, and the materials to be used. The work has now commenced.

The existing frame structure is being maintained, foundations to be reinforced, and walls rebuilt with existing and also matching second-hand bricks, leaving the existing exposed timbers and beams. The floor levels will be sunk and solid floors will be laid of sandwich construction.

The roof timbers remain, and it will be retiled using the salvaged tiles and, also, matching hand made plain peg tiles. All external weather boarding will be replaced with soft wood stained light brown. The window frames will be of standard section metal casement type to take leaded panes.

There is an extensive garden scheme with new tree planting to be carried out to an approved layout.

The plans present an attractive property, keeping intact the outline details of the Tithe Barn which this Society has been for so long insisting should be maintained as a structure of architectural interest.

Ground Floor: Living Room, Dining Room, Study, Kitchen, Hall, Toilet, Porch and barn section garage for cars, central heating.

First Floor: 3 bedrooms, dressing room, bath, toilet and upper part of barn section.

The reconstruction is the subject of an Agreement which the Council has entered into with the Owner. This document limits the building to one house and requires that it be used solely as a private dwelling house.