



MB
2)CB
JRB

Departments of the Environment and Transport
Eastern Regional Office
Charles House 375 Kensington High Street
London W14 8QH
Telephone 01 605 9006

From the Regional Controller

(Planning)

(1)

✓ Chief Executive
Dacorum Borough Council
Civic Centre
HEMEL HEMPSTEAD
Herts
HP1 1HH

Your reference (1) KMP/ED/2084/15
4/1271/84
(2) SL/KRP/PR/C454(F)
BJE/DJP
Our reference E1/5252/12/3
APP/A1910/A/85/031368

(2)

D B Patterson Esq
Taylor Woodrow Group
of Companies
Legal Department
Hadfield House
Adrienne Avenue
SOUTHALL
Middx UB1 2QZ

Received	15 JUL 1987
Comments	

3 July 1987

21163

CHIEF EXECUTIVE OFFICER	
1 4 JUL 1987	
File No.
Author	B. Sec. 14/7
Checked

Gentlemen

THE DACORUM BOROUGH COUNCIL (LAND AT SHOOTERSWAY AND COPPINS CLOSE, BERKHAMSTED)
COMPULSORY PURCHASE ORDER 1985
TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36
APPEAL BY TAYLOR WOODROW HOMES LTD
APPLICATION No: 4/9/84

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr G Chapman BSocSc Dip TP MRTPI who held a local inquiry on 16 and 17 September 1986 into:
 - a. an application for confirmation of the Dacorum Borough Council (Land at Shootersway and Coppins Close, Berkhamsted) Compulsory Purchase Order 1985 made under section 112(1)(b) of the Town and Country Planning Act 1971, by Dacorum Borough Council;
 - b. an appeal by Taylor Woodrow Homes Ltd under Section 36 of the Town and Country Planning Act 1971 against the decision of the same council to refuse permission in outline for residential development and landscaped areas with density at a maximum of 6 dwellings per acre on land at Shootersway, Berkhamsted.
2. The Compulsory Purchase Order and the Section 36 appeal relate to the same site which is approximately 3.75 hectares of arable land on the north side of Shootersway immediately to the west of Coppins Close, Berkhamsted. The Council propose to acquire the land to be used for public open space. The appellant company, Taylor Woodrow Homes Ltd, is the sole objector to the Order. In addition, one letter opposing the Order and six submissions supporting it were received. The Inspector has taken all these into account.

3. A copy of the Inspector's report is attached but his conclusions and recommendations are reproduced in the annex to this letter. The Inspector recommended that the appeal should be dismissed and that the Order should not be confirmed.

4. The Secretary of State has given careful consideration to all the submissions made at the inquiry and in writing and to the Inspector's report. With regard to both the Section 36 appeal and the Compulsory Purchase Order, he agrees with the Inspector's conclusions and accepts his recommendation. Accordingly, the Secretary of State hereby dismisses the Section 36 appeal and declines to confirm the Order and this letter constitutes his decision to that effect. The unconfirmed order is returned to the Council herewith.

5. Under the provisions of Rule 10(3) of the Compulsory Purchase by Public Authorities (Inquiries Procedure) Rules 1976 any person entitled to receive a copy of the Inspector's report may apply to the Secretary of State for the Environment within six weeks of the date on which notice of the confirmation of the order is first published to inspect any documents, photographs or plans appended to the Inspector's report. Any such application should be made to this office, should quote the reference number shown on this letter or the Inspector's report, and should state the date and time (in normal office hours) when it is proposed to make the inspection. At least three days' notice should be given, if possible.

6. Copies of this letter and the Inspector's report have been sent to all statutory objectors to the Compulsory Purchase Order and also to any other persons or their representatives who appeared at the local inquiry and asked to be notified of the decision. The Council are still required under Section 15 of the Acquisition of Land Act 1981, to serve notice of the decision on all persons on whom statutory notices were served notifying them of the submission of the Compulsory Purchase Order.

I am Gentlemen
Your obedient Servant

A F Richardson

A F RICHARDSON
Authorised by the Secretary of State
to sign in that behalf

ENC

CONCLUSIONS

a. On the Section 36 appeal

Bearing in mind the above facts:

64. The key planning consideration in this appeal is that the subject land is defined as Green Belt in an adopted local plan and that within such areas only very special circumstances would justify development other than for agriculture or other limited purposes appropriate to a rural area. Since no special circumstances are adduced in support of the proposed housing it is in direct conflict with this policy.

65. In my view the argument that the long term nature of the defined Green Belt boundary around Berkhamsted, and its strategic role as an instrument of housing restraint should be considered in the light of the provisions of the 1986 Review of Hertfordshire Structure Plan, carries little weight when account is taken of the relatively early stage reached by the latter in its progress to approval and the advice in paragraph 1.12 of Circular 22/84.

66. From the standpoint of Government advice in Circular 15/84 the requirement for a 5 year supply of available housing land in the district is more than satisfied and not in dispute. This is in my view a most important consideration measured against which the likelihood of some restriction in the availability of housing on large sites in Berkhamsted over the next few years and the attractiveness of the town to house buyers are of much less significance and certainly insufficient to justify a conflict with the operative statutory Green Belt and the housing restraint policy which would be breached by this development.

67. In my opinion although the screening value of the hedge separating the subject land from the houses in Coppins Close has diminished since the 1975 appeal decision relating to the latter, I see no reason to take a view different from that of the Secretary of State then that the Coppins Close houses could reasonably be regarded as rounding off this part of Berkhamsted. The present proposal would be an extension of the existing built up area into a now open part of a ridge crest, and would be clearly perceived as such when seen from Shootersway and from further to the south-west through the trees on the opposite side of this road. As such it would conflict unacceptably with one of the principal roles of the Green Belt of safeguarding the countryside around the town from further encroachment. In contrast the local plan proposal that the subject land be used for open space, is compatible with policies relating to development in the Green Belt and in my view would have the advantage of providing a long term buffer between existing housing and farming land to the north-west.

68. The conditions suggested by the council are with the exception of (ii)g acceptable to the appellants. In my view taking account of the outline nature of the proposals and the criticism of aspects of the illustrative layout neither the density nor number of houses should be specified in a condition. [Document 40].

RECOMMENDATION

69. I recommend that the appeal be dismissed but in the event of the Secretary of State deciding to allow the proposal this should be subject to the conditions referred to in paragraph 68 above and also subject to the prior conclusion of the agreement referred to in paragraph 62.

b: On the Order

Bearing in mind the above facts:

85. The council's case for additional land for open space in Berkhamsted rests almost entirely on assessments of needs derived from the application of standards of provision recommended by the National Playing Fields Association (NPPA); no evidence of local potential use demand/requirements from surveys in Berkhamsted is provided.

86. The application of these standards to determine the deficiency of open space provision in the town in the adopted Dacorum District Plan Written Statement is defective because it fails to allow for private sports fields as recommended by the NPPA, and leaves unclear the extent to which open land outside the town would offset any deficiency and in particular that of playing space.

87. While neither of the 2 documents that include specific assessments of football pitches required in the town indicates a need for additional pitches on the basis of the application of standards recommended for this specific sport by the NPPA, the amalgamation of football and rugby standards to derive additional pitch requirements seems to sensibly reflect the possibility of the existence of differences between national and local interest in these sports; on this basis there is a requirement for about 9 pitches in Berkhamsted which when set against those conceded as available by the council, gives a shortfall of 2 pitches, or 4 if the pitches at Lagley Meadow are included as substandard.

88. Despite this I do not consider that a sufficiently convincing case is made for the additional pitches obtainable in the subject land. In the first place the use of standards in my view only provides general guidance in assessing shortfalls in pitches and should be supported by evidence of need derived from local surveys of user requirements, which have not been provided here. Secondly, I believe that even on the basis of the combined football/rugby standard the additional need should not be regarded as extending to 2 pitches on the subject land: because of its position adjoining an existing sports field the Briar Way proposed pitch offers in my opinion appreciably lower marginal costs of provision and maintenance which should give it priority over the subject land, and the 2 pitches at Lagley Meadow should only be excluded from the supply side after a study of the comparative costs of improving them and developing new serviced pitches elsewhere shows this to be justified.

89. That there is Sunday travel to pitches in Hemel Hempstead by local junior football teams does point to locally available facilities being insufficient to meet actual demand, and there is further support for this view in the letters from the 2 Berkhamsted Junior Football Clubs. However the extent to which recourse is made to pitches outside the town is uncertain and so far as the use of Hemel Hempstead facilities is concerned the distance involved and time spent travelling does not in my view make this particularly onerous. Given the above conclusions, the absence of surveys that would establish whether or not there is scope for greater use of pitches other than those owned by the council, and my opinion that on the evidence available there are sites of equal suitability to the subject land for the purpose proposed I conclude that a compelling case in support of the order has not been made and for this reason it should not be confirmed.

RECOMMENDATION

90. I recommend that the Dacorum Borough Council (Land at Shootersway and Coppins Close, Berkhamsted Compulsory Purchase Order 1985 be not confirmed.

I have the honour to be
Sir
Your obedient Servant

