

TOWN AND COUNTRY PLANNING ACT 1990  
DACORUM BOROUGH COUNCIL



Application Ref No. 4/0014/92

Mr & Mrs H Colver  
c/o Ekins Professional  
47 Sycamore Road, Amersham,  
Bucks  
HP6 5EQ

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DEVELOPMENT ADDRESS AND DESCRIPTION  
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The White House, Hemp Lane, Wigginton,

DEMOLISH DWELLING & OUTBUILDING, ERECTION OF 3 DETACHED DWELLINGS & GARAGES & PROVISION OF NEW ACCESS (OUTLINE)

Your application for *outline planning permission* dated 06.01.1992 and received on 08.01.1992 has been *REFUSED*, for the reasons set out on the attached sheet(s).

A handwritten signature in black ink, appearing to read 'G. Barnard', is written over the printed name of the Director of Planning.

Director of Planning

Date of Decision: 03.03.1992

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0014/92

Date of Decision: 03.03.1992



1. The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan and the Dacorum Borough Local Plan Deposit Draft, wherein permission will only be given for the use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposed development is clearly contrary to the Council's expressed aim of protecting the Green Belt and the proposal fails to meet the criteria for acceptable development laid out in Policy 4 of the Borough Local Plan. In particular, the site does not meet the definitions of infilling as set out in this Policy, and there is no justification in terms of this policy on the basis of local needs.
2. The site is within the Chilterns Area of Outstanding Natural Beauty on the adopted Dacorum District Plan and the Dacorum Borough Local Plan Deposit Draft wherein the policy of the Council is to seek to preserve and enhance the appearance and character of the area. The proposed development would result in an unacceptable urbanisation of the site with consequential harmful effects on the rural character of the area because of the sites location on an exposed position on the edge of the village of Wigginton.
3. The visibility sight lines at the existing access are inadequate to accommodate additional dwellings and improvement works to meet highway requirements would be unacceptably intrusive and injurious to the rural character of the area.



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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PLANNING DEPARTMENT GTN DACORUM BOROUGH COUNCIL						
Ref.				Seq		
DP	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
Received				14 JUL 1992		
Comments						

Ekins Professional  
47 Sycamore Road  
AMERSHAM  
Buckinghamshire  
HP6 5EQ

Your reference  
BSH/WJB  
Our reference  
T/APP/A1910/A/92/203263/P8  
Date  
13 JUL 1992

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR & MRS H COLVER  
APPLICATION NO: 4/0014/92

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission in respect of an application for the demolition of an existing dwelling and the erection of two detached houses and a replacement dwelling on land at The White House, Hemp Lane, Wigginton, Tring, Hertfordshire. I have considered the representations made by you and by the Council and also those made by the Wigginton Parish Council and interested persons, including those made directly to the Council and forwarded to me. I inspected the site on 5 June 1992.

2. From my inspection of the site and its surroundings, and my consideration of the representations, I have come to the conclusion that the decision in this case turns upon firstly, whether any very special circumstance exists which would justify setting aside the presumption against residential development within the Green Belt, and if not, secondly, whether the proposed development would encroach into the Green Belt.

3. On the first issue, Policy 3 of the adopted Dacorum District Plan, which is reflected in the emerging Deposit Draft Dacorum Borough Local Plan, sets a presumption against residential development in the Green Belt except for the purposes of agriculture and forestry. Neither of these Plans is a Statutory Plan. However, they reflect the advice in Planning Policy Guidance 2, and for that reason, I consider that they are of considerable weight. The appeal site lies in the Metropolitan Green Belt, and the proposed dwellings are not required for the purposes of agriculture and forestry. I have therefore concluded that the proposed development does not comply with those local and national policies which seek to preclude development within the Green Belt.

4. You point to Policy 5 of the District Plan, which is mirrored by Policy 4 of the emerging Borough Plan, and indicate that it permits infilling and small scale development in Wigginton. You therefore maintain that a special circumstance exists which sets aside the presumption against development within the Green Belt. Further, both Planning Policy Guidance 2, and the relevant Circulars, permit small scale developments within villages in the



Green Belt. The appeal site lies within the village, and I therefore accept that the appeal site is within an area where some development is permitted.

5. The Development Plan restricts residential development within villages to that required to support services and local businesses within the Green Belt, and meet local need. National and local policies greatly restrict the formation of new houses within the Metropolitan Green Belt. To my mind, some people, apart from farmers and foresters, need to reside in the Green Belt if the rural community is to be serviced. If they are unable to find housing due to existing housing being unrestricted, additional provision would need to be made for them. As such housing would probably be set at the edge of villages, it is likely that it would intrude into the Green Belt. I therefore consider that these restrictive policies are necessary if further intrusive development in the Metropolitan Green Belt is to be avoided. Hence I have concluded that it is important that they are upheld here.

6. You claim that a condition based upon the definition of 'local' in the NAC rural trust would ensure that the development would comply with these Policies. To my mind, houses would stand empty if there is nobody in the locality who can both demonstrate need, and afford those that have been built. Thus I consider that local need should be proven before development to meet it is permitted. You have not put forward any convincing evidence, for example a survey, to demonstrate that currently there is a strong local need. Further, you have not identified any individual who can demonstrate a tenable need and afford a house. I have therefore concluded that no very special circumstance exists which justifies setting aside the presumption against residential development within the Green Belt.

7. On the second issue, the house is set in a very substantial garden at the edge of the village. Thus the garden, rather than the dwelling, is predominant. The houses to the west have substantial gardens. In my opinion, the very low density of this development and the appeal site results in these dwellings encroaching into the Green Belt to only a minimal extent. By contrast, the tightly packed houses in smaller gardens that lie to the east of your clients' garden constitute a noticeable encroachment into the Green Belt. In my opinion, the proposed development would be of a similar density to this development. Hence it would enlarge the area of intrusive development which encroaches into the Green Belt. I have therefore concluded that the proposed development would result in additional encroachment into the Green Belt in contravention of a purpose of the Green Belt set down in Planning Policy Guidance 2.

8. As the boundary between the gardens to the houses on the northern side of Hemp Lane, and the surrounding countryside, is clearly defined, I am not altogether convinced that the proposed development would greatly harm the appearance of the Area of Outstanding Natural Beauty. However, the character of Hemp Lane is due to the hedge banks, hedgerows and hedge trees. Most of these attractive features would be lost from the frontage to the appeal site if a satisfactory access is formed. I have therefore concluded that the proposed development would harm the appearance of Hemp Lane, which, in my opinion, would be to the detriment of the visual amenities of Wigginton.

9. I have considered all other matters raised, including that there is a highways improvement line affecting the frontage of the appeal site, and I find that none of these is of such import as to override the conclusions on the major issues that have led to my decision.

10. For the reasons given above, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant,

Geoffrey S. S. Lane

GEOFFREY S S LANE, DiplArch DiplTP RIBA MRTPI  
Inspector