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SP.	OPM.	D.P.	D.C.	B.C.	Admin.	Our reference	
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Received						Date	
7 JAN 1991						-4 JAN 91.	
Comments							

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS BEARDSHAW
APPLICATION NO: 4/0030/90

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a replacement dwelling on land at The Lodge, Tring Grange Farm, Cholesbury, Tring. I have considered the written representations made by you, and by the Council, and the Town Council of Tring, Cholesbury-Cum-St Leonard's Parish Council, and other interested persons. I have also considered those written representations made directly by Tring Town Council, and interested persons to the Council which have been forwarded to me. I inspected the site on 5 November 1990.
- From my inspection of the site and its surroundings and my consideration of the written representations made, I judge that the main issue in this case is whether the proposal would accord with the Green Belt policies which are generally designed to resist inappropriate development in such locations, and if not whether there are any very special circumstances in this case to justify an exception.
- The appeal site is located within the Metropolitan Green Belt and Chilterns Area of Outstanding Natural Beauty. The Council considers that the proposed development is contrary to its restrictive Green Belt policies contained in the adopted District Plan and Local Plan Review. Since the Review Plan has been subject to public consultation I attach some weight to it as an emerging local plan in accordance with the advice contained in Circular 22/84. You do not dispute that the site is located within the Green Belt nor do you claim that it falls within a category of appropriate development as set out in Planning Policy Guidance Note 2 (PPG2) paragraph 13. You submit however that the development plan policies are not applicable since the Council has recently granted planning permission for a replacement bungalow on the site.
- Whilst the ground floor area of the appeal dwelling is less than the ground floor area of the permitted replacement bungalow I consider that the gross floor area of the appeal proposal is significantly larger than the gross floor area of the permitted replacement bungalow. The latter appears to me to be of similar size to the existing dwelling when a reasonably sized extension is taken into account. In addition it will not involve any material increase in height compared to the existing dwelling and I do not therefore consider that this permission involves a departure from the Green Belt policies which remain applicable to the appeal site. On the other hand I judge that the increase in height of the proposed development



would make it significantly more intrusive, and I do not believe that it falls within the exception for replacement dwellings contained in Policy 6 of the District Plan. In my view the proposal would be significantly larger than the original after allowing for a reasonable extension and it would therefore be contrary to Policy 21 of the Review Plan. Since I do not consider that the scheme falls within any of the recognised exceptions either to the development plan policies or PPG2 paragraph 13 I conclude that it would be inappropriate development within the Green Belt.

5. The existing 2-bedroomed bungalow is positioned at the top of a small hill overlooking Tring Grange Farm. It is surrounded by open countryside and in my opinion this is an exposed and prominent position. Although I note that the footpath shown to the west of the site on the submitted location plan is now closed the dwelling remains visible from other footpaths including the path between Tring Grange Farm and Cholesbury Common, and also from the public highway on Horseblock Lane. Whilst the existing mature screening reduces the impact of the building to some extent I believe that the height of any replacement building is crucial in this location. You state that the appeal proposal would be about 1.5 m higher than the permitted bungalow, and I note that it would be about 1.1 m higher than the existing bungalow. I consider that such an increase in height would be unacceptable in this position, and harmful to the appearance of the rural area.

6. The site lies within open countryside, and if planning permission were granted contrary to established Green Belt policies I believe that it would be more difficult for the Council to resist further applications for similar development within the district. In my view the cumulative effect of such development would undermine the Green Belt objective of PPG2 to safeguard the surrounding countryside from encroachment.

7. I have also considered your client's personal circumstances, and note that they require a 5-bedroomed property to meet the needs of 3 young children and elderly parents. Whilst I have every sympathy with their wish to avoid the distress involved in moving house I must consider the long term effects of the proposal and the fact that it is likely that the new building would remain long after your clients' personal needs have ceased to exist. In this case I do not consider that your clients' personal circumstances constitute the very special circumstances required to overcome the presumption against inappropriate development in the Green Belt.

8. I have also considered the appeal proposal against the background of the Council's policies which strictly control development in the Chilterns Area of Outstanding Natural Beauty. Since I find that the proposal would be harmful to the appearance of the area I consider that it would also be contrary to the objective of District Plan Policy 23 to preserve the natural beauty of the landscape.

9. I have taken account of the other matters raised in the representations but do not consider that there are of sufficient weight to override those that have led me to my decision.

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

I am Sir
Your obedient Servant



C W HOARE LLB Solicitor
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr and Mrs Beardshaw
The Lodge
Tring Grange Farm
Cholesbury
Tring Herts

Payne Cullen Partnership
101 High Street
Tring
Herts

Replacement Dwelling
at Tring Grange Farm, Cholesbury Road
Tring

Brief description and location of proposed development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 5.1.1990 and received with sufficient particulars on 8.1.1990 and shown on the plan(s) accompanying such application.

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

- 1. The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of the 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. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
2. The adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of this policy.
3. Policy 6 of the adopted Dacorum District Plan allows for the replacement of existing dwelling by properties of a similar size and no more intrusive in the landscape than the original property. The proposal, by reasons of its mass, design and prominent siting, is unacceptable in the terms of this policy.

Dated Fifth day of April 90

Signed [Signature]

Chief Planning Officer

NOTE

1. 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 appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of the date of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain 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 statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment 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 Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.169 of the Town and Country Planning Act 1971.