



The Planning Inspectorate

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Received	0	Your Ref:	DPB/15575
Comments		Our-Ref:	T/APP/A1910/A/98/300871/P7
		Date:	51 MAR 1999

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6 APPEAL BY A ELDING & SONS APPLICATION NO: 4/00042/98/FUL

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine this appeal against the decision of Dacorum Borough Council to refuse planning permission for a change of use of buildings to B1(c) and B8 at Six Tunnels Farm, Gaddesden Row, Hemel Hempstead. I conducted a hearing into the appeal, and visited the site and its surroundings on 3 February 1999.
2. At the hearing you agreed that the use of the appeal building should be restricted to the B1 use class, and I shall therefore consider the appeal on this basis.
3. From submissions made at the hearing and in written representations, and from my inspection of the appeal site and its surroundings, I consider that the main issues in this appeal are the effects of the proposed change of use on first, the character and appearance of the surrounding rural area, which lies within the Chilterns Area of Outstanding Natural Beauty (AONB), and second, on highway safety and the free flow of traffic in the local road network.
4. The development plan for the area comprises the Hertfordshire Structure Plan Review 1991-2011 (HSPR), adopted in April 1998, and the Dacorum Borough Local Plan (DBLP), adopted in 1995. The Dacorum Borough Local Plan 1991-2011 Deposit Draft (DBLPDD) was placed on deposit in November 1998. In view of its early stage of emergence I shall give the policies of this plan only limited weight, in accordance with the advice in paragraph 48 of Planning Policy Guidance (PPG) 1, *General Policy and Principles*.
5. Six Tunnels Farm is situated on the southwest side of Gaddesden Row a short distance southeast of the hamlet of Jockey End. It lies in open countryside within the Rural Areas defined in the DBLP, with public footpaths about 100 metres to the northwest, and 150 metres to the southwest of the buildings. The Farmhouse is a grade II listed building, and the farm outbuildings and structures include a grade II listed timber framed barn which was granted a planning permission in 1989, renewed in August 1994, for conversion to two dwellings. The appeal building currently houses livestock, although your clients have indicated that it is now surplus to their agricultural requirements. In August 1998 a Lawful Development Certificate (LDC) was granted at appeal for the use of some of the other farm

structures and land between the appeal building and the road as a contractor's yard for plant hire, commercial vehicle repairs and spraying, and the storage of vehicles, plant and engineering equipment.

6. The appeal building is a utilitarian agricultural structure built in the 1970s, with a concrete frame roofed in corrugated fibre cement sheets, some of which are translucent to admit daylight. The perimeter walls are of blockwork to a height of about two metres, with slatted boarding above providing partial enclosure up to the gable ends. The west elevation is open between the blockwork and the eaves; and the fourth side is separated from the adjoining structure by a brick wall, which currently has an opening linking the two buildings. Apart from a concrete central aisle, the floor is of chalk. The building is the westernmost of the farm buildings, with open fields to its west and south. The proposal indicates some landscaping between the building and these fields, and includes a car park serving the building situated at its front, in part of the area used as the contractor's yard.

7. I now turn to the first issue. The HSPR policy 1 seeks to conserve the county's landscape heritage, and policy 18 encourages farm diversification in Rural Areas to help sustain the rural economy. The DBLP policy 5 only permits development within such areas if it is related to agriculture, forestry, mineral extraction, countryside recreation uses and other services which meet a proven need of the local rural community. Policy 90 states that within the Chilterns AONB the prime planning consideration will be the preservation of the beauty of the area, and that any development permitted should be satisfactorily integrated into the existing landscape. Policy 100 permits the re-use of redundant buildings if they are of a substantial nature and worthy of retention, and if the proposed use accords with other policies of the plan, would cause no significant impact on neighbouring land uses, and would have no adverse effect on the character or appearance of the building retained.

8. The DBLPDD policy 5 follows the DBLP policy 5 in defining acceptable uses in the countryside, and also permits the re-use of existing buildings worthy of retention, including redundant buildings meeting the criteria of policy 106. Policy 96 follows DBLP policy 90 in protecting the AONB. Policy 106 indicates that a rural building may be converted for industrial and commercial purposes provided that there would be no substantive change to its appearance, that it is of permanent and substantial construction and capable of conversion without major or complete re-construction, and that no activity or storage would take place outside the building. Appropriate new uses should be acceptable in the location, should cause no significant impact on neighbouring land uses, and should have no adverse impact on the character and appearance of the buildings retained.

9. The appeal building has a substantial frame supporting a weathertight roof. However, the open upper parts of its walls merely moderate rather than control the flow of air through the building. It also lacks a damp-resisting floor, and any servicing appropriate to anything other than agricultural purposes. The planning permission granted for it in 1977 describes it as a 'covered cattleyard', and I consider that it is more akin to an agricultural shelter or shed than a building. However, such structures are commonly found in the countryside, and are not necessarily out of place in a rural landscape if sited in proximity to a working farm. In my opinion the 'form, bulk and general design' of the building are thus not detrimental to the character of the surrounding landscape, and the building therefore conforms with the DBLPDD policy 106 (f) and is 'worthy of retention' as defined in the DBLP policy 100. To

my mind however, while its frame and roofing may be considered permanent, the rest of its construction is not sufficiently substantial to accord with requirements (a) and (e) set out in paragraph 3.14(a) of PPG7, *The Countryside -- Environmental Quality and Economic and Social Development*, or with policies 100 (c) of the DBLP and 106 (c) of the DBLPDD.

10. You stated at the hearing that the proposal would not require any major reconstruction, or alteration to the external appearance of the building other than the provision of doors and new cladding to the upper parts of the walls, which would improve its appearance. The Council consider, however, that further doors and windows would be likely, especially if the building were subdivided into small units, and that considerable re-building work might be necessary for compliance with Building Regulations, which would be likely to change the building's appearance and character.

11. It seems to me that weathertight enclosure of all the walls would be essential for any class B1 use, and to my mind the impact of such a change would be significant, particularly when associated with other features of business use such as formalised car parking areas. The building would tend to acquire more the appearance and character of an industrial shed, such as might typically be found on an industrial estate, rather than an agricultural building. Further substantial alterations to the building's external envelope might also be necessary, and although these would be subject to planning control, they might be hard to resist if a change of use had already been granted. To my mind these would be likely to emphasise the non-agricultural character of the building.

12. However, you suggest that the area around the appeal site is dominated by the present commercial activities, and that these rather than the surrounding countryside form the immediate context of the appeal building. I accept that the natural beauty of the AONB has already been adversely affected by the neighbouring commercial use. However, the buildings in which these uses take place seem to me to retain their agricultural character, and although the external activities and storage are visually unattractive, they are still seen in the context of a working farmyard which contributes to the character of the rural landscape. The changed appearance that a business use would be likely to bring to the appeal building would reduce the agricultural and rural character of the group of farm buildings, and in my opinion the more commercial and business character which would result would be less in keeping with the rural surroundings and the character of the AONB.

13. You consider that landscaping measures, which could be ensured by conditions, could screen the building and car park, helping to ameliorate both their impact and that of the commercial activities currently carried out on the site. However, the Council consider that such landscaping might also look unnatural in the context of a farmyard in the countryside. In my opinion planting would not help to retain the agricultural character of the building, and would not help its assimilation into the farmland setting, especially when viewed from the footpaths to the west and south. Moreover, it would be many years before any trees reached a sufficient size to have an appreciable impact. The change of character that would result from the proposal would thus not in my opinion be satisfactorily integrated into the landscape.

14. I consider that although the proposal would conform with the HSPR policy 18, and that the building would retain its scale, mass and form, the changes to its appearance would be significant, and would render the proposal contrary to the HSPR policy 1, the DBLP

policies 90 and 100, and the DBLPDD policy 106. I therefore conclude on the first issue that the proposed change of use would have a detrimental effect on the character and appearance of the surrounding rural area, and on the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB).

15. On the second issue, Six Tunnels Farm lies between major roads, in an area of countryside several kilometres from Hemel Hempstead, Markyate and Redbourn, which is served by local country roads, of which Gaddesden Row is the largest and most important.

16. Policies 1 and 2 of the HSPR promote the principles of sustainable development, and policy 29 indicates that development should be located so as to discourage traffic from using roads, in particular local distributor and access roads, to which it is not appropriate. The DBLP policy 8 requires that development should provide a satisfactory means of access that will not cause or increase danger to pedestrians and road users, and that traffic generated can be accommodated on surrounding roads without serious detriment to amenity, safety or traffic flow. These provisions are re-stated by policy 9 of the DBLPDD.

17. I saw at my site inspection that the network of minor roads provides a variety of routes to and from the appeal site, and that although Gaddesden Row itself is reasonably wide and generally well aligned, some of the roads which give access to it pass through small villages and hamlets, and are narrow, with sharp bends. The Council state that the construction of these rural roads renders them unsuitable for large, heavy vehicles. Your surveys indicate that extraneous traffic currently 'rat runs' through the area, especially at the morning peak hours, although heavy goods vehicles contribute only 4-5% of the total.

18. You believe that the proposal would generate an increase of about 4% in traffic flow, although at the morning peak this would be less than 2%. You also consider that few large vehicles would visit the site as the type of activity you envisage taking place in the appeal building would be unlikely to require the use of such vehicles, and as the difficulty of access would of itself deter those whose business regularly required the use of this type of vehicle from operating from these premises.

19. I share the Council's view that any increased use of these roads by heavy lorries would be detrimental to the safety of pedestrians, horse riders and other vehicles. It would also have adverse effects on the roads themselves, and the properties and verges adjoining them. I consider that while employees would normally be likely to travel to and from work by car, there is no means of ensuring that others visiting the site or involved with deliveries would not do so in large vehicles. The type of vehicle visiting the premises would depend on the actual use of the building, and I do not see how conditions could restrict either the frequency of heavy vehicle visits, or the routes these vehicles would take.

20. Although at the hearing you cited a plant depot, in use at Jockey End until the 1980s, as indicative of the suitability of the local roads for goods vehicles, it seems to me that traffic levels have generally increased since then. You also state that the LDC use of the site adjacent to the appeal building has operated without adverse incidents for a number of years, and that your client would be willing to forgo the low-loader use included in the LDC. However, the LDC does not establish any levels of permitted vehicular activity, and in my

opinion forgoing this use would not compensate for the possible increase in large vehicle traffic that might arise from the proposed change of use.

21. I therefore consider that the proposal might well lead to some increase in the number of large heavy lorries using the nearby local road network, and that this would be contrary to policies 8 of the DBLP and 9 of the DBLPDD. I thus conclude on the second issue that the proposal would be likely to have an adverse effect on highway safety and the free flow of traffic in the local road network.

22. Although you indicated that the DBLP policy 100 does not conform with the advice in PPG 7 in that it requires buildings to be redundant before they are re-used, the Council have not sought to contest the building's redundancy, or requested proof of it. Moreover, the conclusions I have reached would remain the same irrespective of whether or not the building was considered redundant, and it therefore seems to me that the conformity or otherwise of policy 100 with the PPG is not material to this case.

23. You and the Council have both suggested several conditions for my consideration in the event of my being minded to allow this appeal, and I have already considered those relating to the external appearance of the building, landscaping measures, and the heavy vehicles currently using the adjoining site. I do not see how any of the other conditions put forward would overcome the harm I have identified, or lead me to a different conclusion.

24. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving the setting of listed buildings. The appeal building is separated from the listed barn by a further farm building, and the external alterations that you have indicated would be likely would not in my opinion alter the scale of the building or its impact on the barns. Six Tunnel Farmhouse lies beyond the barn, and I consider that it would be too distant to be affected by the proposal. I therefore consider that the setting of both these listed buildings would be preserved.

25. I have taken into account all the other matters raised in the representations, including the impact of the proposal on the living conditions of the occupiers of Six Tunnels Farmhouse and possible future occupiers of the listed barn. However, I have found nothing to outweigh the considerations that have accordingly led to my decision.

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

Yours faithfully



C A SHEPPARD MA (Cantab), Dip Arch, ARIBA, ALI
Inspector

APPEARANCES

FOR THE APPELLANT

Mr D Bromley FRICS	Partner of Faulkners, Chartered Surveyors, Auctioneers, Land & Estate Agents, of 49 High Street, Kings Langley, Hertfordshire
Mr S C Paget Fulcher BSc (Eng), CEng, MICE, MIEI, MIHT	Associate Director with Thorburn Colquhoun, of 200 Harpur Centre, Horne Lane, Bedford
Mr F E Elding	Appellant

FOR THE LOCAL PLANNING AUTHORITY

Mrs J Ambrose BA (Hons), B Tp, MRTPI	Planning Officer, Dacorum Borough Council
Mr T McMullen AMICE	Area Highway Manager, Environmental Department, Hertfordshire County Council

INTERESTED PERSONS

Mr D E Simmons	Meadow Farm, Bradden Lane, Gaddesden Row
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DOCUMENTS

Document 1	Lists of persons present at the hearing
Document 2	Notification of the hearing and list of those notified
Document 3	Appendices 1-29 to Mr Bromley's statement
Document 4	Appendices A-F to Mr Paget Fulcher's statement
Document 5	Plan of local road network, supplied at the hearing by Mr Paget Fulcher
Document 6	Annexes A-L to Mrs Ambrose's statement
Document 7	Plan PF/1 showing local footpath network, distributed at the hearing by the Council

Document 8 Synopsis of Appeal ref No. T/APP/F1610/A/97/278925/P2,
provided at the hearing by the appellants

Document 9 Legal commentaries relating to the implementation of
development, provided at the hearing by the Council

PLANS

Plan A site location plan

Plan B 1/1250 scale block plan



PLANNING

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH

FAULKNERS
49 HIGH STREET
KINGS LANGLEY
HERTS

Applicant:

A ELDING & SONS
SIX TUNNELS FARM
GADDESSEN ROW
HEMEL HEMPSTEAD
HERTS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00042/98/FUL

SIX TUNNELS FARM, GADDESSEN ROW, HEMEL HEMPSTEAD,
HERTFORDSHIRE, HP2 6HW
CHANGE OF USE TO LIGHT INDUSTRIAL AND STORAGE AND DISTRIBUTION

Your application for full planning permission dated 13 January 1998 and received on 15 January 1998 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 16 April 1998

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00042/98/FUL

Date of Decision: 16 April 1998

- 1. The buildings the subject of this application are modern utilitarian agricultural buildings which are not worthy of retention and their reuse would be contrary to Policies 90 and 100 of the Dacorum Borough Local Plan..**
- 2. The local road network which provides access to this site comprises narrow rural lanes that are quite unsuitable in construction, width and alignment for the type and size of vehicle likely to be attracted by the proposed development.**