



# Appeal Decision

Site visit held on 27 July 1999

By Christina Downes DipTP MRTPI

an Inspector appointed by the Secretary of State for the  
Environment, Transport and the Regions

The Planning Inspectorate  
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Bristol BS2 9DJ  
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115 SEP 1999

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## Appeal A: T/APP/A/1910/A/99/1022830/P4

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr W J Hughes against Dacorum Borough Council.
- The site is located at High Ridges, Shothanger Way, Bovington.
- The application (ref:4/00055/99/ROC), dated 11 January 1999, was refused on 22 April 1999.
- The development proposed is re-instatement of permitted development rights under the General Development Order removed by condition of planning approval No 4/1083/95.

**Decision:** The appeal is allowed and planning permission is granted as set out in the attached schedule.

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## Appeal B: T/APP/A/1910/A/99/1022831/P4

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr W J Hughes against Dacorum Borough Council.
- The site is located at High Ridges, Shothanger Way, Bovington.
- The application (ref:4/00056/99/FHA), dated 11 January 1999, was refused on 22 April 1999.
- The development proposed is the retention of the existing garage built and the erection of a further single garage.

**Decision:** The appeal is allowed and planning permission is granted as set out in the attached schedule.

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## Procedural Matters

1. Appeal A relates to the Council's refusal of planning permission to remove condition No 5 of a planning permission for a double garage which was granted on 28 September 1995 under reference 4/1083/95. This condition states:

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development falling within Class E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written approval of the local planning authority".

The reason for that condition is:

"In order that the local planning authority may retain control over further development in the interests of residential and visual amenity and to safeguard and maintain the strategic policies of the local planning authorities as expressed in the County Structure Plan and the Dacorum Borough Local Plan".

2. Appeal B concerns development that has partly been carried out. I shall therefore consider this part of the proposal as if it was an application made under S73A of the Town and Country Planning Act (as amended) for the retention of the building.
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### The Main Issues

3. There is no dispute that the appeal site is within the Metropolitan Green Belt (MGB). Accordingly, I consider that the main issue in Appeal A is whether the condition in question is reasonable and necessary, bearing in mind the location of the site within the MGB. I consider that the main issue in Appeal B is whether the proposal is appropriate to this Green Belt location.

### Inspector's Reasons

#### Planning Policy Context

4. The development plan is the Hertfordshire Structure Plan Review 1991-2011 adopted in 1998 and the Dacorum Borough Local Plan adopted in 1995. I note that the Local Plan is currently under review and that this emerging document has reached deposit stage. I shall afford the draft plan appropriate weight in accordance with Paragraph 48 of Planning Policy Guidance Note 1.
5. In the Structure Plan, Policy 5 expounds the general presumption against inappropriate development in the MGB. In the Local Plan, Policy 3 contains similar objectives and includes a provision that very small scale building, which is necessary to sustain an acceptable use, will be permitted provided it has no adverse impact on the character, function and appearance of the MGB. Policy 20 includes a number of criteria for the extension of existing dwellings in the MGB and rural areas. These include that the extension should be limited in size, bearing in mind the amount that the building has already been extended. Draft Policies 3 and 23 of the emerging Local Plan carry forward similar principles. These policies generally accord with the advice in Planning Policy Guidance Note 2: *Green Belts* 1995 (PPG 2).
6. I have also had regard to Circular 11/95: *The Use of Conditions in Planning Permissions*, and in particular to Paragraphs 86-88 which relate to conditions restricting permitted development.

#### Appeal A

7. The appeal site is within a rural area which is characterised by a scattered pattern of housing interspersed by fields and woodland. It stands back from Shothanger Lane and adjoins residential properties to the north, west and east. High Ridges is a large chalet bungalow which stands towards the western side of its relatively secluded plot. On the eastern side are three double garages with a fourth in the process of construction. Two of these were granted planning permission in 1995 and 1997 and another is the subject of Appeal B. It is the 1995 permission which includes the condition in question.
8. I understand that the garages are required to store the Appellant's collection of vintage and classic cars. I acknowledge that if the condition were to be removed, then further outbuildings could be constructed, for example within the rear garden, to house additional vehicles that may be acquired. However, the Town and Country Planning (General Permitted Development) Order 1995 allows householders to undertake such development, subject to certain limitations, without the need to apply for planning permission. These rights are applied no differently to properties within the Green Belt than to those outside of it. Furthermore, there is a presumption against restricting them, unless there are exceptional circumstances for doing so.

9. Nothing that I have read or seen suggests to me that there are special reasons for imposing such controls in this case either in relation to residential or visual amenity. I do not consider that the site has particular characteristics that would justify singling it out from its neighbours, where as far as I am aware similar controls do not exist. In the circumstances, I conclude that the condition in question is unreasonable and unnecessary and that it should be removed.

#### Appeal B

10. This proposal relates to a further double garage at the southern end of the existing group of outbuildings. Half of this has already been erected and the other half would be a similar flat roofed structure. Local Plan policy allows for domestic extensions, providing they are limited in size, although Policy 20 and PPG 2 point out that account should also be taken of the cumulative effect of development. In this case, the original dwelling has been enlarged both through the erection of extensions and of outbuildings but the garage would be relatively modest in size and sited within a well screened paved area adjacent to other outbuildings. The land falls away at this point and adjoins the rear gardens of properties fronting onto Bury Rise so, to my mind, the perceived openness of the Green Belt would not be unduly affected. Taking account of all the above factors, I consider that this development would be appropriate in the Green Belt and would not be contrary to the policies that I have identified.
11. In my opinion, the design of the garage would be in keeping with other development on the site and would be acceptable in terms of the visual amenities of the locality. The Appellant would not have had to seek planning permission if the condition relating to Appeal A had not been imposed. In view of my conclusions on that appeal and my comments in the previous paragraph, I consider that Appeal B should also succeed.

#### Conclusions

12. With regards to conditions in respect of Appeal B, I consider that the proposal adequately specifies the materials to be used. It is not therefore necessary to require further details to be submitted.
13. I have considered all other matters that have been raised in the written representations, including other appeal decisions relating to this site. However, I find nothing to alter my conclusions that both of the appeals should succeed and I shall exercise the powers transferred to me accordingly.
14. This decision only grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not convey any other approval or consent that may be required.

Christina Downes.

**SCHEDULE**

**APPEAL A: T/APP/A1910/A/99/1022830/P4**

15. The appeal is allowed and planning permission is granted for a detached double garage in accordance with the application No 4/00055/99/ROC made on 11 January 1999 without compliance with condition No 5 previously imposed on planning permission No 4/1083/95 dated 28 September 1995 but subject to the other conditions imposed therein, insofar as the same are still subsisting and capable of taking effect.

**APPEAL B: T/APP/A1910/A/99/1022831/P4**

16. The appeal is allowed and planning permission is granted for the retention of the existing garage built and the erection of a further single garage in accordance with the terms of the application No 4/00056/99/FHA dated 11 January 1999 and the plans submitted therewith.



# PLANNING

Civic Centre Marlowes  
Hemel Hempstead  
Herts HP1 1HH

BRIAN B SMITH  
OLD SUB STATION  
SARACENS HEAD YARD  
HOLYWELL HILL  
ST ALBANS  
AL1 1E2

MR W J HUGHES  
HIGH RIDGES  
SHOTHANGER WAY  
BOVINGDON,HEMEL HEMPSTEAD  
HERTS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00055/99/ROC

HIGH RIDGES, SHOTHANGER WAY, BOVINGDON, HEMEL HEMPSTEAD,  
HERTFORDSHIRE, HP3 0DW  
RELAXATION OF CONDITION 5 ATTACHED TO PLANNING PERMISSION  
4/1083/95 (DETACHED DOUBLE GARAGE)

Your application for removal of a condition on a previous permission dated 11 January 1999 and received on 13 January 1999 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 22 April 1999

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00055/99/ROC**

Date of Decision: 22 April 1999

**1. The site is located within the Metropolitan Green Belt. The imposition of the condition to remove permitted development with respect to development falling within Class E of Part 1 to Schedule 2 of the Town and Country (General Permitted Development) Order 1995 is both reasonable and appropriate in this case in order to enable the local planning authority to retain control over further development in the interests of safeguarding the character of this part of the Green Belt which is under threat to excessive development.**



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