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CHIEF EXECUTIVE
OFFICER

30 MAY 1989

File Ref.
Refer to CPO
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Comments

Your Reference:

27/69599

Our Reference:

T/APP/A1910/A/88/101924/P3

DACORUM BOROUGH A/89/119917/P3

Date:

25 MAY 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY FELDEN CROFT NURSING HOME LIMITED
APPLICATION NOS : 4/0038/88 & 4/0083/89

Received

- 2 JUN 1989

1. As you know I have been appointed by the Secretary of State of the Environment to determine the above mentioned appeals. These appeals are against the decisions of the Dacorum Borough Council to refuse planning permission for the erection of Garages and Staff Accommodation at Felden Croft Nursing Home, Longcroft Lane, Felden, Hemel Hempstead. I held a local inquiry into the appeals on Tuesday 18 April 1989.

2. An application for the proposed development was submitted on 6 January 1988 and an appeal against the decision to refuse planning permission was submitted on 18 August 1988. Due to an error in the Section 27 Town and Country Planning Act 1971 Certificates submitted with this application on the 14 January 1989 a further application for the proposed development was made to the Council solely for the purpose of correcting this error. An appeal against the Council's decision to refuse this application for similar reasons to the first one was lodged on 20 March 1989. At the Inquiry the appellants withdrew their first appeal.

3. From the matters presented to me at the Inquiry and from my inspection of the appeal site and surroundings I am of the opinion that the main issue is the effects of the proposed development on the appearance and character of the area and whether there are any special considerations to override the normal presumption against development in the Green Belt.

4. The appeal site is an area located within the large curtilage of the Felden Croft Nursing Home with no defined boundaries. It is part of the large flat open grass paddock generally to the west of the nursing home and is some distance to the south of Longcroft Lane which is a narrow country lane that runs generally east-west. Vehicular access to the site would be from the existing car park in front of the nursing home which connects to Longcroft Lane. The nursing home was a substantial detached house and has recently been extended at the rear to provide modern nursing accommodation with eight bedrooms, a kitchen, a sluice/laundry and bathrooms. There are a number of old detached houses in the surrounding area, most of which have been extended, standing in large plots within open countryside.

5. The proposal has given rise to some local opposition and the local residents refer to the effect of the additional traffic generated by the



proposed development in Longcroft Lane. A local doctor in general practice and the Member of Parliament, Mr Robert B Jones, have written to support the appellants' case.

6. The appeal site is located within the Metropolitan Green Belt. Policy 1 of the approved Hertfordshire Structure Plan Alterations No 1 (May 1988) seeks to restrict new development within the Green Belt to certain rural uses and sets out forms of development that may be acceptable. One such use would allow existing large residential buildings situated in extensive grounds to be used for hospitals or similar institutional purposes provided that (a) the buildings are not suitable for continued residential use and (b) the proposed use is not such as to lead to a demand for large extensions or for additional buildings in the grounds. Policy 47 of the Structure Plan seeks to protect and enhance the essential character of the County's urban and rural areas and refers to not only the impact of the individual developments but also the cumulative effect of development. Policies 1 and 4 of the adopted Dacorum District Plan (January 1984) seek to restrict development in the Green Belt to the purposes of agriculture or forestry, leisure purposes appropriate to the area which cannot be located within the urban areas and other uses appropriate to the Metropolitan Green Belt. Policies 6, 18, 19 and 24 of the District Plan set environmental guidelines for new buildings and seek to minimise the impact of development on the countryside. The approved Structure Plan and the adopted District Plan Green Belt policies are generally in line with Government Policy for Green Belts as expressed in Circular 14/84.

7. Planning permission was granted in July 1982 for the change of use of Felden Croft from residential use to nursing home. In September 1984 an application to erect a detached dwelling similar in size and location to the appeal proposal was refused on Green Belt grounds. I note that this development would have enabled the owners to reduce the continuous contact with the patients and would have provided more room for staff on the site. A proposal to erect a two storey and single storey extension to provide 10 additional bedrooms and a 4 bedroom dwelling unit was refused planning permission in August 1985 again on Green Belt grounds. In November 1985 planning permission was granted for a smaller single storey rear extension.

8. The proposed building would be located some distance from the nursing home building. It would be a large two storey building with a garage for three vehicles, a store, a utility room and a shower at ground floor level and residential accommodation comprising three bedrooms, living room, dining room, kitchen and bathroom at first floor level. I recognise the skill with which the proposed building has been designed so that its appearance is sympathetic with that of the nursing home and the two neighbouring properties and their extensions, nevertheless, I consider that it would be a prominent building which would be seen from many points in the surrounding area including Longcroft Lane. The existing boundary hedge does partially screen the site from view, but the size of the proposed building would be such that it would be seen over and through the hedge. Moreover I do not consider that additional landscaping would substantially reduce the visual impact that I consider this building would have in this area.

9. The character of this part of the Green Belt partly derives from the sporadic loose-knit nature of the development which exists which is dominated by its rural surroundings. The existing dwellings are of a low density, well-spaced and set in large plots such that their impact on the landscape is minimal. I consider that the proposed building would diminish the space between the dwellings and would be an unacceptable intensification of the

built up appearance in the area thereby detracting from its special character. I conclude that the proposed building would be an unacceptable encroachment into the rural area. As you point out and as I saw at my site inspection many properties in the surrounding area have been extended, which the Council state were in accord with their policies. I have no doubt that if this appeal succeeds it would result in a proliferation of proposals for similar buildings which could lead to unacceptable pressures for development.

10. The nursing home provides care for geriatric, convalescent and cardiac patients with a specialised service to terminally ill patients. There is a considerable demand for this specialist service from people in the surrounding area where there is a need for additional nursing home accommodation. It is the only nursing home in the Hemel Hempstead area. The appellants have difficulty in recruiting and retaining suitable nursing staff which they need to comply with the terms of the licence which requires that a State Registered Nurse is available at all times. In view of this problem there are times when not all the 24 beds are used. The proposed development would provide residential accommodation for the Matron of the nursing home, who is a SRN, and her family. They would vacate the residential accommodation in the nursing home which they occupy at present which would be converted into suitable accommodation for 2/3 qualified nurses. This would enable the nursing home to attract nurses from other parts of the country and ensure that qualified nurses would be available at all times. The Matron would continue her normal nursing duties, but the location of the proposed residential accommodation would reduce the amount of immediate day-to-day contact that she has with the patients at present, and thus help to reduce the considerable stress and strain that this service engenders. Although I support this very important and vital service and recognise the very high standards that the appellants achieve, nonetheless, I consider that it would be possible to provide additional accommodation for the nursing staff either in a much smaller building or by extending the existing building, in either case the development would have to be in a location where it would not be visually intrusive. I do not find the need to erect a building to provide cover and security for vehicles and garden machinery, tools and general maintenance equipment so compelling. There is a large parking area in front of the nursing home which is reasonably secure and the other equipment could be stored in wooden sheds which could be located so that they would not be conspicuous. In view of this I conclude that there is nothing in this application that is sufficient to set aside the normal operation of the long established aims and objectives of Green Belt policies.

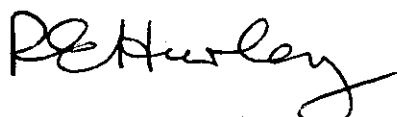
11. At the Inquiry on behalf of the appellants you offered a Section 52 Agreement or a condition to ensure that the proposed building would be continued to be used in conjunction with the nursing home. I consider this to be an unreasonable restriction so I would not impose it, more importantly neither a Section 52 Agreement nor a condition would overcome the objections that I find in this proposal.

12. Local residents state that Longcroft Lane is inadequate for the number of vehicular movements that would be generated by the proposed development. Although Longcroft Lane is very narrow in view of the evidence presented to me at the inquiry I am satisfied that the relatively small number of additional movements that would be generated by the proposal would not obstruct the free flow of traffic or increase the risks to road safety to other road users to an unwarranted degree.

13. I have taken account of all the other matters in the representations but I am of the opinion that they do not outweigh the considerations that have led me to my decision.

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

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'R E Hurley', written in dark ink.

R E Hurley CEng MICE MIHT
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr Desmond Keane QC

- of Counsel, assisted by Mr L Karu instructed by Howard Kennedy, Solicitors, 23 Harcourt House, 19 Cavendish Square, London W1M 9AB

He called:

Mrs Jennifer Beesley

- Matron of Felden Croft Nursing Home.

Dr Anthony Nelstrop FRCP

- Executive Chairman of the Thorpedale Hospice.

Mr Brian Branwhite AMSST

- Principal of Brian Branwhite - Planning Survey and Design.

FOR THE PLANNING AUTHORITY

Mrs Amanda Walker

- Senior Solicitor with the Authority.

She called:

Mr J E Knapp DipTP MRTPI

- Principal Assistant Planning Officer with the Authority.

INTERESTED PERSONS

Mrs J Heeps

- Local resident of Jollivers, Longcroft Lane, Felden.

Mrs A Day

- Local resident of Felden Barns, Longcroft Lane, Felden.

Mr W G Cantlay

- Local resident of Felden Gale, Longcroft Lane, Felden.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Notification letter of inquiry and list of persons circulated.
- Document 3A-B - Two letters supporting the Council.
- Document 4 - Letter from the Member of Parliament supporting the appellants.
- Document 5 - Letter from GP practising in Hemel Hempstead supporting the appellants.
- Document 6 - Extracts from Structure Plan.
- Document 7 - Extracts from Dacorum District Plan.
- Document 8 - Copy of Planning Consent for change of use from residential use to nursing home, Felden Croft 4/0741/82.

DOCUMENTS CONTINUED

- Document 9 - Copy of Refusal Notice for detached dwelling (Outline) on land adjoining Felden Croft 4/0991/84.
- Document 10 - Copy of Planning Consent for single storey rear extension and new access, Felden Croft 4/1253/85.
- Document 11 - Copy of Report to Planning Committee on Appeal Application.
- Document 12 - Copy of Conditions submitted by Council.
- Document 13 - Model guidelines for staffing at Nursing Homes.
- Document 14 - Accommodation at Felden Croft Nursing Home.
- Document 15 - Patient Bedroom Accommodation and "terminal" occupancy.
- Document 16 - Current staffing at Felden Croft Nursing Home.
- Document 17 - Staff turnover at Felden Croft Nursing Home.
- Document 18 - Location of Registered Nursing Homes within 10 miles radius of Hemel Hempstead.
- Document 19 - Certificate of Registration of Felden Croft Nursing Home.
- Document 20 - Letter from North West Herts Health Authority to confirm Felden Croft Nursing Home registered for care of elderly and terminally ill patients.
- Document 21 - Typical daily traffic movements to and from Nursing Home submitted by appellants.
- Document 22 - Patient changes at Nursing Home October 1987 to April 1989.
- Document 23 - Letter from potential patient at Nursing Home dated 26 January 1989.

PLANS

- Plan A - Appeal site and surrounding area, scale 1/1250.
- Plan B - Proposed garage and staff accommodation plan of elevations, scale 8 ft-1 in, Drawing No 2854/FL.
- Plan C - Appeal site and surrounding area showing locations of approved extensions to properties.
- Plan D - Detail for paths only, scale 8 ft-1 in, Drawing No 2854/1/H.
- Plan E - Plan submitted with approved application for change of use of Felden Croft from residential to Nursing Home June 1982.
- Plan F - Layout drawing showing appeal site, existing car park, nursing home and proposed vehicular access.

PHOTOGRAPHS

Bundle of 11 photographs showing the exterior of the original house and extension and various views of rooms and accommodation provided.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To
Felden Croft Nursing Home Ltd.
Felden Croft
Longcroft Lane
Felden
Hemel Hempstead
Herts.

Brian Branwhite, Esq.
Surveyor
Barclays Bank Chambers
65 High Street
Tring
Herts. HP23 4AD.

.....	Garage with staff accommodation above.....
at	Felden Croft Nursing Home, Longcroft Lane,
.....	Hemel Hempstead, Herts,

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 14 January 1989 and received with sufficient particulars on 16 January 1989 and shown on the plan(s) accompanying such application.

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

The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for 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. No such need has been proven and the proposed development is unacceptable in the terms of this policy.

Dated 14th day of ... February 19 89

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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 receipt 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.