

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0102/93

Mr & Mrs D J Toth  
Cedar View  
Deer Leap Drive  
Little Gaddesden  
Herts

O T M Architectural  
Pitchers Barn  
Denham Farm  
Wheeler End  
High Wycombe HP14 3NQ

DEVELOPMENT ADDRESS AND DESCRIPTION  
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Deer Leap Swimming Pool, Ringshall, Little Gaddesden

EXTENSIONS TO PROVIDE SQUASH COURTS, CHANGING ROOMS AND ASSOCIATED WORKS

Your application for *full planning permission* dated 12.01.1993 and received on 27.01.1993 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 13.05.1993

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0102/93

Date of Decision: 13.05.1993



1. The site is within the rural area beyond the Green Belt in the Dacorum Borough Plan Deposit Draft, wherein permission will only be given for use of land, the construction of new buildings for agriculture, forestry, mineral extraction, countryside recreation uses or social community, leisure and utility services which meet a particular proven need of the local community. Although the site has provided for the recreational needs of the local community since the 1930s, it is inappropriately located in terms of current Borough Plan policies. This is an historical anomaly and cannot be a justification for a development of the site in the form and scale proposed. The development is not required to meet the needs of the local community, as sufficient alternative facilities (in terms of Sports Council standards) exist in nearby towns.
2. The Dacorum Borough Local Plan Deposit Draft shows the site to be within the Chilterns Area of Outstanding Natural Beauty, wherein the prime planning consideration of the local planning authority will be the preservation of the beauty of the area and any development which would detract from this beauty would be unacceptable. Wherever development is permitted it must satisfactorily assimilate into the landscape. The proposed development is unacceptable in the terms of this policy, since, whilst the design is 'barn like', the scale and massing of the development would adversely affect the visual quality and rural character of the area. The development due to its scale and massing fails to assimilate into the landscape.

1, DN 2, AM 3, 08



# The Planning Inspectorate

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

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PLANNING DEPARTMENT						
DACORUM BOROUGH COUNCIL						
Ref.				Your Ref:		
DoP	T.C.P.M.	D.P.	D.C.	P.C.	Ack.	File
Received				Our Ref:		
Comments				Date		

APP/A1910/A/93/229683/P8  
Date 31 JAN 1994

Dear Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPLICATION NO 4/0102/93

1. I have been appointed by the Secretary of State for the Environment to determine your appeal which is against the decision of the Dacorum Borough Council to refuse planning permission for extensions to provide squash courts, changing rooms and associated works at Deer Leap Swimming Pool, Little Gaddesden, Berkhampstead, Herts.

2. I have considered the written representations made by you and by the Council, also those made by the Parish Council and many interested persons. As you know I inspected the site on 5th January 1994.

3. I do not need to describe the site or its surroundings in detail since these are well known to you. There are however certain matters relevant to my decision which need to be recorded. Deer Leap Swimming Pool is a long established facility with ancillary buildings in a parkland setting in attractive rolling and often wooded countryside typical of this part of Hertfordshire and the immediately adjoining county of Bucks. The quality of that countryside is recognised by its inclusion within the Chilterns Area of Outstanding Natural Beauty (AONB).

4. The site has an extensive frontage to Little Gaddesden Road from which the land slopes significantly downwards to a nearby shallow wooded valley. The swimming pool and its immediately surrounding changing rooms, office, small cafe and other related accommodation is set well back from the road behind a wide grassed area which I understand is used for parking when the pool is in use. From the road are seen the end elevations of brick buildings linked by a long close boarded fence enclosing the south end of the pool and its sitting out etc. area.

5. The site is a short distance south east from the junction of Little Gaddesden Road with Northchurch Road (B4506). At that junction is a petrol station/garage with the usual paraphernalia including vehicles parked on the forecourt and elsewhere. This visually substantial business has a common boundary with the appeal site. Beyond it and to the west on the other side of Northchurch Road are attractive brick and tile cottages which form the basis of the Ringshall Conservation Area. The eastern extremity of the Conservation Area extends across Northchurch Road to include the aforementioned garage and a part of the parkland area between the swimming pool and the boundary of Deer Leap with its secondary frontage to Northchurch Road.

6. South east of the appeal site along Little Gaddesden Road towards the nearby village of that name is a sporadic scatter of dwellings generally detached standing in their own sylvan grounds.

7. Within the appeal site there are numerous trees and established evergreen hedges which together with the topography of the land ensures that at this time of the year and with the exception of its appearance as seen from Little Gaddesden Road, little of the swimming pool complex can be seen from any public place including a nearby public footpath.

8. Your proposal follows an appeal decision Reference T/APP/A1910/A/92/206246/P8 dated 9th September 1992 which refused permission for similar development. The intention of the current appeal is to overcome the then perceived criticism of the design of the extensive accommodation which you want to construct. This comprises replacing the enclosing fence, changing cubicles and other brick and timber structures on the front and both sides of the pool by new single storey brick buildings. At the rear where the land slopes steeply away the proposals include the construction of four squash courts in a tall building designed to look like a traditional barn. All these works would generally extend and improve the facilities enabling them to be open all the year rather than as at present confined to summer months.

9. This is objected to by the planning authority on the grounds that in this rural area only countryside recreation uses to meet a proven need of the local community is permissible and that the scale and massing of the development is unsatisfactory in relation to AONB.

10. The Development Plan consists of the Hertfordshire County Structure Plan Review, the most recent alterations to which were approved by the Secretary of State for the Environment and became operative in July 1992. There is also the Dacorum District Plan, operative from January 1984 which in practice (for development control purposes) has been superseded by the Deposit Draft of the Dacorum Borough Local Plan (DDDBLP). This has been through the process of a Local Inquiry and a List of Modifications (First Draft) was published in July 1993. DDDBLP is therefore an important document to be taken into account in a decision in this appeal.

11. There are numerous policies in all three documents relating to development control in areas like this. Significant for the purposes of a decision in this case are policies the objective of which is to preserve the countryside and AONB by limiting development and ensuring care is taken in detailed design to respect AONB. There is also in DDDBLP draft Policy 80 which states that indoor leisure facilities will only be permitted "..... on a small scale to serve essential needs of the local population". The policy continues "Where facilities are required in the Green Belt or rural areas they must be located within the confines of a settlement or on an existing leisure space adjoining or near to the settlement, providing the outdoor facilities are replaced and a significant proportion of the leisure space is retained to meet any local amenity requirements". The reason given for Policy 80 states "Large scale provision would be visually and environmentally inappropriate in villages and countryside locations, and access is generally poor".

12. There is one other criterion to which it is necessary for me to have regard namely the fact that a part of the appeal site is within a Conservation Area.

13. With that background and from my inspection of the site and reading of the extensive representations from you, from the District Council and from many interested persons, I am of the opinion that the following are the two main issues in this appeal namely whether the proposal is acceptable in respect of:-

(i) the Conservation Area in which the statutory requirement is for proposed development to preserve or enhance the area (Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990) and

(ii) policies in the Development Plan framed to protect the countryside with particular reference in this case to preserving the beauty of the AONB.

14. On the first issue the Conservation Area boundary is widely drawn going a considerable way beyond the attractive grouping of buildings which it is intended to protect. As previously mentioned the eastern boundary of that Conservation Area which is undefined crosses the appeal site a few metres from the proposed extensions to the swimming pool. I have no doubt that as is recorded in the previous appeal decision the integrity of the Conservation Area and the setting of the buildings it is framed to protect will be preserved if your proposal succeeds. On the first issue therefore I find the proposal acceptable.

15. The second issue is complex. The laudable objective of preserving the countryside especially where it has the quality of AONB requires strong support. In addition as part of the decision making process it is necessary to evaluate the proposal to ascertain whether it accords with the limited development that is permissible even in countryside areas. Draft Policy 80 is relevant in this

respect. Like other countryside protection policies it is assumed that large scale provision would be visually and environmentally inappropriate "and access is generally poor".

16. It is clear that a proposal for an entirely new swimming pool and leisure facilities in this location would not be admissible. Nevertheless Deer Leap Swimming Pool is a well used long established and popular facility. It is indeed as the council suggests an anomaly and very significant but one that appears to function without any material detriment to local people, or to traffic conditions; moreover it is in my opinion visually unobtrusive. There is little doubt that it meets the needs of the local population but on the other hand in policy terms it neither meets needs which could be regarded as essential nor is it small scale: the same comments can be made of the proposed extended facility.

17. The reason behind Policy 80 is relevant (see paragraph 11 above). Although it could be said that what you now propose is "large scale provision", in the particular circumstances of this case I do not believe that that provision would be visually and environmentally inappropriate nor do I consider that the access is unsatisfactory. Although the proposals will be seen from Little Gaddesden Road I regard the proposed low profile buildings as an improvement on the rather nondescript appearance of the present buildings and fencing. Even though there are no details provided as to heights etc., I am satisfied that the other buildings, especially the barn-like structure to contain the squash courts - although significant in themselves - will be well screened from any public vantage point, and have been properly designed with the rural character of this area in mind and as an integral part of other works.

18. Having regard to their seclusion, to the way the designer has made use of the topography to good effect and to the materials to be used in construction the proposals in my opinion will be adequately assimilated into its parkland setting and the countryside and therefore will be acceptable in this sensitive area in an AONB. In the special circumstances of this case therefore I conclude that the proposal is acceptable in respect of the approved and emerging policies in the Development Plan.

19. I have considered all the representations including extensive reference to previous appeal decisions, negotiations with the planning authority to reach an acceptable solution, and the lack of a financial appraisal to support the development: in the latter regard there is concern that if approved the squash courts would not be viable and more ancillary development would be required. My decision relates solely to the facts of the current case and cannot set a precedent for any future proposal either here or elsewhere which would have to be determined on its merits. None of these matters outweigh the considerations that have led to my decision.

20. In the event of my granting permission the planning authority has requested four conditions (other than the standard condition requiring development to be begun within five years). I regard

three of these four conditions as important further controls to ensure that this development is carried out to respect the countryside and AONB: the suggested fifth condition concerning the construction of soakaways is a matter controlled by other regulations.

21. There is another detail of the development which in my opinion needs further scrutiny: whilst the application leading to appeal is a detailed submission no information is provided as to ground levels and roof heights which together are important ingredients for consideration in relation to the impact of the buildings on the AONB. This subject can be dealt with by a planning condition.

22. For the above reasons and in exercise of the powers hereby transferred to me I hereby allow this appeal and grant planning permission for an extension to provide squash courts, changing rooms and associated works at Deer Leap Swimming Pool, Little Gaddesden, Herts, in accordance with Application No 4/0102/93 dated 12th January 1993 and in accordance with the plans and other details submitted therewith subject to the following conditions:-

i) the development to which this permission relates shall be begun within a period of five years from the date of this letter.

ii) no development shall take place until there has been submitted to and approved by the local planning authority details of all materials to be used externally.

iii) no development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development.

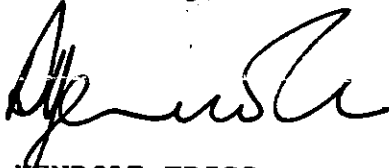
iv) all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

v) no development shall take place until there has been submitted to and approved by the local planning authority details of ground levels and heights of all new buildings.

23. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of a decision within the prescribed period.

24. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990. Your attention is drawn to the provision of Section 74 of the Planning (Listed Buildings & Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a Conservation Area.

Yours faithfully,



B R D YENDOLE FRICS  
Inspector