

Department of the Environment and  
Department of Transport

D/506/JM/P



Common Services

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CHIEF EXECUTIVE OFFICER		PLANNING DEPARTMENT	
24 OCT 1988		Your reference TM80/88	
File no.	Refer to	Ref. Our reference	T/APP/A1910/A/88/93735/P4
Cleared		C.P.O. Date	21 OCT 88
		Admin. File	
		Received	24 OCT 1988
		Comments	

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR B E AND MISS S A LAMBIRTH  
APPLICATION NO: 4/0140/88

- I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. The appeal is against the decision of the Dacorum Borough Council to refuse full planning permission for the change of use of existing house to 2 separate dwellings at "Buckland Field", Bradden Lane, Gaddesden Row. I have considered the written representations made by you, the Council and Great Gaddesden Parish Council. I inspected the site on 19 September 1988.
- From my inspection of the site and surroundings and consideration of the representations made it seems to me that the main issue to be determined is whether the proposal would be acceptable in an area where restrictive rural policies are applied.
- "Buckland Field" is located in an isolated, elevated rural situation and consists of a 2-storey house set on the south-east side of a country lane.
- The planning history of the site forms a large part of the representations in the case. Your clients' house was granted conditional permission more than 25 years ago as part of a development of 3 houses and ancillary buildings for the Hertfordshire Hunt Club. Your clients' house at that time forming 2 semi-detached houses. At some stage both the condition limiting the use of the 2 dwellings to the Hunt and their separate identity was not maintained, as the more recent applications make clear.
- The first application of 1985 (under Reference 4/0049/85) was to sub-divide the house into 2 and to build a 2-storey extension on the south end, this application was refused. In order to overcome the reason for refusal a further application limiting the development to the 2-storey extension was made and subsequently approved by the Council (under Reference 4/0478/85). I note that other permissions for the erection of stables and a single storey link to the northernmost garage were obtained subsequent to the approval of the main 2-storey extension and double garage. These applications were determined on the basis of "Buckland Field" being a single planning unit.
- The proposal is to separate "Buckland Field" to form 2 dwellings by permanently sealing the doors at ground and first floor level formed in the party wall when the 2 houses were joined into one. I accept that the means of achieving the proposal

would not be able to be seen, nor would there be any alteration to the external appearance of the building, although development within the meaning of the Act would have taken place and the proposal must therefore be considered against the relevant control policies.

7. A factor of the control policies is the limiting of the size of any extension to a dwelling to a variable, percentage increase dependent on the size of the original dwelling. Application 4/0478/85 with "Buckland Field" as one unit resulted in the extension forming a lower percentage increase of the whole, that fell within the guidelines, albeit of the same size as in the previous application that was refused.

8. Since my visit I have received the decision letter in respect of the appeal concerning 2 houses on the adjoining site, Pampard Kennels. This appeal was dismissed by my colleague as being contrary to Policy 2 of the adopted Local Plan which restricts development in the rural area beyond the Green Belt, except in special circumstances. The Local Plan restates the Structure Plan policies where development is directed towards the built-up area of existing settlements. The guidelines on extensions to which I referred to in the previous paragraph form part of the Local Plan considerations.

9. The proposal in the case before me in effect seeks to reinstate the situation in application no 4/0049/85 with the extension, however, already built, having been approved by the Council as a result of a differing comparison. It seems to me that, contrary to your statement, the Council's approach to the various submissions put forward by your clients has been entirely consistent with the objectives of the Local Plan.

10. The maintenance of the appearance and character of the rural area is an important factor in the restrictive rural policies. Here I note your resistance to the Council's suggestion of removing the permitted development rights, should I be mindful of granting permission to the 2 dwellings. It seems to me that a continuing increase in the mass of building in an exceptionally beautiful stretch of countryside that is designated as an Area of Outstanding Natural Beauty, would conflict with the well established rural policies.

11. In their representations the Council quote other examples they regard as similar to your clients' case, but, to my mind, they are not so similar and therefore it has to be judged entirely on its merits and whether they overcome the restrictive rural policies.

12. I am not convinced by your argument that the proposal would revert back to its original form for that use had long since been abandoned and its present appearance brought about as a result of it being considered as a single house. The fact that development would not alter its appearance was previously considered in appeal reference no APP/5252/A/82/1591 and a crucial issue in dismissing that appeal was a proper control of other such proposals. In this respect I have already commented upon the question of the enlargement of individual dwellings by permitted development rights which would detract from the rural scene.

13. You state that the proposed sub-division is to provide separate homes for your client and his sister. It seems to me that with such a close family relationship the smaller portion of the dwelling could still be used as an ancillary unit to the main part of the house and the case made for the separation into 2 units in my opinion carries little weight. Policy 2 of the Local Plan seeks to prevent

development in the rural area beyond the Green Belt, except in special circumstances, and in this case in my view no overriding reason has been put forward.

14. I have come to the conclusion therefore that in the absence of such a case, there are sound and clear cut planning objections outweighing the presumption in favour of development and your clients' appeal should not succeed.

15. I have taken into account all the matters raised in the representations but do not find them of such strength as to affect my decision.

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

I am Sir  
Your obedient Servant



T R W ROBERTS RIBA DipTP MRTPI  
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr B E Lambirth and Miss S A Lambirth
Buckland Field
Bradden Lane
Gaddesden Row
Herts

Mr G V Bunyan
14 Queens Road
Berkhamsted
Herts

Conversion to form two dwellings
at .. Buckland Field, Bradden Lane, Gaddesden Row

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 22. January. 1988 and received with sufficient particulars on 28. January. 1988 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 a rural area beyond the 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 building 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 17th day of March 19 88.

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 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.

development in the rural area beyond the Green Belt, except in special circumstances, and in this case in my view no overriding reason has been put forward.

14. I have come to the conclusion therefore that in the absence of such a case, there are sound and clear cut planning objections outweighing the presumption in favour of development and your clients' appeal should not succeed.

15. I have taken into account all the matters raised in the representations but do not find them of such strength as to affect my decision.

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

I am Sir  
Your obedient Servant



T R W ROBERTS RIBA DipTP MRTPI  
Inspector

COPY GB/NG/SR/NB/2/SLX/Team L  
TEAM 2

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CHIEF EXECUTIVE  
OFFICER

24 OCT 1988

File no. ....

Refer to ..... *Clare*

Cleared .....

Your reference TM88/88				
PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL				
Ref.	Our reference T/APP/A1910/A/88/93735/P4			
C.P.O.	D.P.	D.C.	B.C.	Admin. File
Date	12 OCT 88			
Received 24 OCT 1988				
Comments				

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