

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Westbrook Hay Educational Trust
London Road
Hemel Hempstead
Herts

Johnson and Partners
39A High Street
Hemel Hempstead
Herts

..... Prefabricated classroom unit
.....
at Westbrook Hay School, London Road, Hemel Hempstead
.....

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 4 February 1988 and received with sufficient particulars on 8 February 1988 and shown on the plan(s) accompanying such application..

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

Provision of an additional mobile classroom at Westbrook hay School is detrimental to the objective of safeguarding and enhancing the setting of a listed building.

Dated 17th day of March 19 88

Signed..... *Wm Bamford*

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.

**Department of the Environment and
Department of Transport**



Common Services

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DEPARTMENT OF THE ENVIRONMENT
DACORUM BOROUGH COUNCIL

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**CHIEF EXECUTIVE
OFFICER**

3 FEB 1989

File No.

Jr to

Cleared

2803/r

28195

Johnson and Partners
39A High Street
HEMEL HEMPSTEAD
Herts
HP1 3AA

Received

Comments

3 FEB 1989

Your reference

Our reference

T/APP/A1910/A/88/98410/P4
E/88/803431/P4

Date: 1 FEB 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTIONS 36 AND 56 AND SCHEDULES 9 AND 11
APPEALS BY WESTBROOK HAY EDUCATIONAL TRUST LTD
APPLICATION NOS: 4/0165/88 AND 4/0196/88LB

- I have been appointed by the Secretary of State for 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 a pre-fabricated classroom unit at Westbrook Hay School, London Road, Hemel Hempstead. I have considered the written representations made by you and by the Council. I inspected the site on 7 December 1988.
- The site lies within a walled garden a short distance from the main school building. The school was once a country house and is a substantial Grade II listed building standing in extensive, open grounds.
- There is no dispute that the site lies within an area of countryside included in the Metropolitan Green Belt, where both structure plan and central government policies contain a strong presumption against new development. Against this background, from the representations submitted and from my inspection of the site and its surroundings I have concluded that this appeal turns on whether or not the proposal conflicts unacceptably with the aim of these policies and whether or not it would harm the setting of the listed building.
- The Council take the view that because the proposal does not involve development essential for agriculture or other rural purposes, or for sport or recreation, it is incompatible with Green Belt planning policies. The Council also consider that the development would fail to safeguard or enhance the setting of the listed building.
- You have pointed out that the Council's planning officer considered that the development would not be unduly prominent and you contend that the Council's arguments against the scheme have not been substantiated. You state that the proposal does not conflict with the spirit of Green Belt policies and you have drawn attention to other development which has been allowed within the Green Belt. While I have noted these references, the nature and circumstances of the other sites do not seem to me to be sufficiently similar to those of the appeal site to warrant close comparison; I have therefore considered the proposal solely on its individual merits.
- Dealing first with the effect of the development on the appearance of the area and the setting of the listed building, I saw on my site visit that the building would be sited within a walled garden and would accordingly be very well screened.

Indeed, it seems to me that the building would not be visible in terms of the overall open setting of the listed building and its grounds. I have therefore concluded that the development would have a negligible impact upon the appearance of the surrounding area and because of this it would not harm the setting of the listed building.

7. Turning to the matter of Green Belt policy I consider that the school may accurately be described as an institution standing in extensive grounds. As such, it is one of the few types of development which central government planning policies envisage as possibly being appropriate within Green Belts. The proposal involves erecting a relatively small scale building as part of this existing institution and within an exceptionally well-screened location so that its effect on the character and appearance of the school's surroundings would be negligible, as I have already stated. Thus, I consider that the character of the Green Belt would not be affected or harmed by the proposal.

8. These considerations indicate to me that the proposal does not conflict with the aims of Green Belt policies, which in broad terms seek to prevent new development within the Green Belt except in special circumstances, because the circumstances of this particular case are in my opinion both unusual and special and there is no likelihood of the character and appearance of the Green Belt being harmed. I therefore find no sound and clear cut grounds upon which to dismiss this appeal, and no reason to impose a time-limit condition as the Council have suggested.

9. In reaching these conclusions I have borne in mind all other matters raised but these do not outweigh the considerations which have led me to my decision.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission and listed building consent for the erection of a prefabricated classroom unit at Westbrook Hay School, London Road, Hemel Hempstead in accordance with the terms of the application Nos 4/0165/88 and 4/0196/88LE dated 1 February 1988 and 4 February 1988 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

11. The developer's attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

12. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Sections 23, 55 and 56 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

Terence Povey

T N POVEY BA BArch MA FRTPI RIBA MBIM
Inspector

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