

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0204/93

Brophy PLC
Ardra Road
Meridian Way
Edmonton
London
N9 0BD

DEVELOPMENT ADDRESS AND DESCRIPTION
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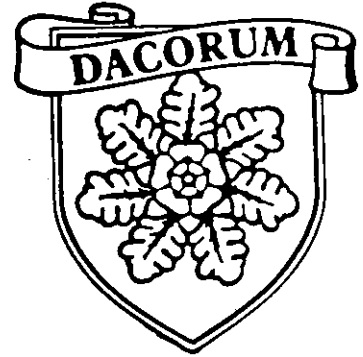
Unit 27A Bourne End Ind Est, Bourne End Lane Bourne End, Hemel Hempstead
STATIONING OF 3 TEMPORARY BUILDINGS

Your application for *full planning permission* dated 11.02.1993 and received on 15.02.1993 has been *REFUSED*, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 22.03.1993

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/0204/93

Date of Decision: 22.03.1993

Policy 30 of the Dacorum Borough Local Plan states that "no development or expansion of floor space in an employment area within the Green Belt will be permitted unless an improvement in the local environment is achieved and there are clear planning advantages". No such improvement can be demonstrated in this case. Furthermore the proposal will give rise to additional traffic in Bourne End Lane leading to diminished traffic safety and loss of amenity to residential properties in Bourne End Lane.



The Planning Inspectorate

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

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Received	25 NOV 1993	Your reference	JCB/M055
Comments		Our reference	T/APF/A1910/A/93/228580/P5
		Date	24 NOV 1993

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO 4/0204/93

- I have been appointed by the Secretary of State for the Environment to determine your appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for temporary location of portakabins at Unit 27A, Bourne End Industrial Estate, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by an interested person. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 15 November 1993.
- The portakabins are on the site and the appeal is thus for their retention. The Council, forcefully supported by local residents, refers to more traffic leading to diminished traffic safety and loss of amenity to dwellings in Bourne End Lane. On the other hand the appeal site is soon to be linked to a newly constructed bypass road. It is not in dispute that the link is to be made early in December 1993, and Bourne End Lane truncated. I have concluded that traffic safety and loss of amenity in Bourne End Lane are no longer material considerations in this case.
- The Bourne End industrial estate is situated within the Green Belt, where policy 1 of the Hertfordshire County Structure Plan Review and Approved Alterations 1991 does not include industry as appropriate development. Policy 47 refers in part to enhancing essential urban and rural character and to taking into account the cumulative effects of developments. Policy 73 refers in part to development or redevelopment for employment uses where acceptable in terms of other policies and in environmental terms. A 1984 District Plan is consistent with the Structure Plan, but is no longer relied on by the Council for development control purposes.
- A new Borough Plan appears close to adoption. Policy 30 relates to existing employment areas in the Green Belt, and originally stated in part that no redevelopment or expansion of floor space would be permitted unless an improvement in the local environment were achieved, and there were clear planning advantages. The Council has decided to modify this policy to state that redevelopment and expansion will not normally be permitted. From my inspection of the site and area, and from consideration of the representations made I have concluded that the main issue in this case is whether there are very special circumstances sufficient to justify the temporary retention of the portakabins.
- The Bourne End industrial estate originated in buildings erected to serve a saw mill, now occupied by various users. I consider the estate to be generally unattractive, in particular having regard to its location adjacent



to open countryside. It can be viewed from the new bypass and together with the appeal site and the portakabins is seen clearly from the new link road and the countryside around. You consider that the portakabins and a recently planted hedge of evergreen trees are environmental improvements. I do not consider that the portakabins improve the appearance of the estate in the wider landscape, though from some closer views they partially screen an adjacent arguably less attractive building.

6. On the other hand I consider that an evergreen screen, once grown, would be a much needed improvement enhancing both urban and rural character. There is no evidence before me to suggest that an estate wide improvement scheme is envisaged or likely, and I have concluded that it is appropriate to give weight to relatively minor individual improvements such as this which taken with others could have a beneficial cumulative effect. The Council does not consider the planting to be a direct result of the stationing of the portakabins, but in my view planting associated with new development is a common occurrence. A landscaping condition could impose the normal five year replanting requirement, while in the longer term there could be more permanent protection should the Council see fit.

7. Turning to the claimed need for the portakabins, I saw that Unit 27A does not have toilets other than those provided in the smaller of the three new portakabins. Such provision seems to me essential to normal employment use. Similarly, the two portakabin offices appear to have significant advantages of natural light compared with what seems likely to be available if space within the main industrial building was used for offices. These improvements to the working conditions of employees are in my view material considerations supporting a temporary use of portakabins, though within the Green Belt the reorganisation of space within and window openings of the existing building may be more appropriate in the longer term.

8. The three portakabins have a combined area of about 40 sq m. The industrial estate has an urban and developed character. Taken in itself, I consider the proposal would have little effect upon the openness of the Green Belt. The Structure Plan is, however, rightly concerned at the cumulative effect of small changes in the Green Belt. I consider that the particular circumstances of this case, which include but are not confined to the emerging status of the Local Plan, the temporary nature of the proposal, and the opportunity to secure a worthwhile longer term improvement to the appearance of the area, are such that no significantly harmful precedent or associated cumulative effect will arise. Taking into account these considerations and the advantages of the portakabins to your business, and balancing them against the conflict with Green Belt policy and the limited reduction in openness of this developed part of the Green Belt, it is my conclusion that there are very special circumstances in this case sufficient to justify the temporary retention of the portakabins.

9. You have not suggested a period for the temporary consent. The portakabins have evidently been on site for over a year, and I consider a further period of five years to be reasonable. If retention is sought beyond that time, the Council will be able to take into account the then relevant circumstances and policies. I shall also impose a landscaping condition concerned with the retention and replacement of the conifer screen.

10. You have resurfaced an open area in front of Unit 27A and provided parking space, but it seems to me that this is no more than a necessary consequence of your occupation and parking needs. You consider this site near the improved highway network to be preferable to some other location in the Borough, but there is insufficient evidence to establish that there is no other practicable location with equivalent advantages. Similarly I attach little weight to the paved path serving the portakabins or an associated flower bed as justifying the proposal. You refer to a 1990 appeal decision

T/APP/A1910/A/90/153587/P3 allowing a larger replacement industrial building nearby, but this case appears to have limited relevance in that the Council did not then object on Green Belt grounds, and the main issue was concerned with local parking and traffic problems. I have taken into account all the other matters raised in the representations including that you moved from Unit 33 to the present location to secure more space, and the concern of local residents that the portakabins were placed on site in advance of an application, but do not find that they alter or outweigh the conclusions I have reached on the planning merits of this case.

11. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for temporary retention of portakabins at Unit 27A, Bourne End Industrial Estate, Hemel Hempstead in accordance with the terms of the application 4/0204/93 dated 11th February 1993 and the plans submitted therewith, subject to the conditions that:

1. The portakabins shall not remain on the site longer than 5 years from the date of this letter.

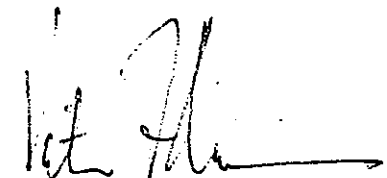
2. Any of the screen trees referred to on the layout plan JCB/Feb'93 as new hedge planting which die, are removed or become seriously damaged or diseased within a period of 5 years from the date of this letter shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

12. Attention is drawn to the fact that an applicant for any consent in respect of Condition 2 above has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

13. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.

14. 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.

Yours faithfully



V F AMMOUN BSc DipTP MRTPI FRGS
Inspector