

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr J James  
Rose Cottage  
2 Dell Lane  
Ashley Green, Bucks

Maurice Phillips Partnership  
30 Bovington Green  
Hemel Hempstead  
Herts

	One dwelling and garage (Outline)
	.....
	.....
at	Between Innisfree and Cumbrae, Tinkers Lane, Wigginton
	.....
	.....

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 ..... 29 January 1988 ..... and received with sufficient particulars on ..... 10 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:-

- (1) 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.
- (2) The adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of this policy. .... 19 88

Date ..... 17th ..... March

Signed..... *W. B. ...*

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.

~~1) AN~~  
~~2) RB~~  
3) RB



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

Common Services  
Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ  
Telex 449321  
Direct Line 0272-218927  
Switchboard 0272-218811  
GTN 2074

PLANNING DEPARTMENT  
DACORUM DISTRICT COUNCIL

8 AUG 1988

Maurice Phillips Partnership  
30 Bovington Green  
HEMEL HEMPSTEAD  
Herts  
HP3 0LB

Received  
26168  
Comments  
OFFICER

Your reference  
Our reference  
T/APB/A1910/A/88/090930/P3  
Date

8 AUG 1988

File Ref.  
Refer to clo 8/8  
Cleared

4 AUG 88

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR J JAMES  
APPLICATION NO:- 4/0218/88

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of one dwelling and garage on land between "Innisfree" and "Cumbrae", Tinker's Lane, Wiggington. I have considered the written representations made by you, by the council, by the Wiggington Parish Council and also those made by another interested person. I inspected the site on 11 July 1988.
- Tinker's Lane is a private road on the western side of Rossway Lane which links Wiggington to Berkhamsted. It is about 2 km distant from the main village of Wiggington. There is a mixture of housing served by the lane and drives leading from it. These generally are detached houses and bungalows, some of which are set in extensive grounds, but there are gaps in the frontages. The appeal site lies between 2 small, old-established bungalows: "Innisfree" on the west and "Cumbrae" on the east. "Innisfree" has a large garden to its west and further land to the rear. To the east of "Cumbrae" is a nursery and dwelling, "Wood View". The appeal site itself is used for growing Christmas trees at present.
- Tinker's Lane has a metalled carriageway a little over 3 m wide at this point but is unsurfaced at its western end. There are no footways, but verges of various widths on both sides. There is a speed ramp towards the junction with Rossway Lane.
- From my inspection of the site and the surrounding area and from the representations made, I consider that the main issue in this case is whether or not there are sufficient reasons to override the strong presumption against new development in the Green Belt.
- On your client's behalf, you contend that the proposal constitutes infilling between 2 existing dwellings; that the site is of a similar size to other plots on the lane where residential development is not out of place, and that Green Belt policies should not be totally restrictive in such circumstances. In terms of the visual effect upon the area, you consider that the site makes no contribution at present and that a well-designed house, in local materials, would not detract from the appearance of the area. You point to the recent conversion of the Forge to a dwelling further along the lane as a precedent, and also suggest that your client's project would help defray the costs of services on the lane by adding a further household.

6. The council regard Tinker's Lane as an isolated ribbon of development within the Metropolitan Green Belt, as defined in the Hertfordshire Structure Plan and their adopted District Plan. Both plans include policies which state that planning permission for new development in the Green Belt will not be granted except in very special circumstances, such as for the purposes of agriculture or forestry, or another use appropriate to the area. There are no such circumstances advanced in this case. The council also consider the proposal to be unacceptable in the context of their policies which seek to preserve the appearance of the Chilterns Area of Outstanding Natural Beauty, within which the site lies.

7. Having considered these views in the light of my site visit, I conclude that the site does lie within an isolated ribbon of development in the countryside well away from any settlement or local services, and, as the area is within the Green Belt and there is no reason advanced for the development, I conclude that the strong presumption against development should apply.

8. I acknowledge that the site lies between 2 existing dwellings and is comparable with some smaller plots on the lane, but in my view the proposal does not constitute infilling in the sense of the filling of a small gap in an otherwise built-up frontage, as defined in Development Control Policy Note 4. Frontage development on this side of Tinker's Lane includes a large nursery and is generally loose-knit with undeveloped land or garden land in between a number of the dwellings, and, in my view, having regard to the likely impact on the locality of allowing this appeal, there would be many other similar opportunities for development which, if realised, would have a damaging cumulative effect. Green Belt policy would quickly be undermined if this happened and development on the lane would be consolidated further in an inappropriate rural location in the Green Belt.

9. I have considered the arguments about the visual impact of the project, and that an attractive dwelling could be designed for the site. However, it is the principle of development which is the most important issue in my view. Although the site is not obtrusive in the landscape, its development would lead to a reduction in the rural quality of the lane, and the fact that an attractive dwelling could be designed on the site does not justify the project or outweigh the strong presumption against development in the Green Belt.

10. With regard to the conversion of the Forge to a dwelling, I understand that this was an existing building off the lane and I am mindful that councils are currently advised by Government to consider the re-use of redundant buildings in the countryside. I draw a distinction therefore between the 2 projects and do not consider that the conversion of the existing building supports your client's proposal for an entirely new dwelling.

11. I have taken into account all other representations made in the case, including the reference to defraying householders' costs along the lane, but in my view none is of sufficient weight to alter my conclusion that the proposal is unacceptable for the reasons I have outlined.

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

I am Gentlemen  
Your obedient Servant

*M D Shaw*

M D SHAW MA (Oxon) MA MRTPI  
Inspector