



The Planning Inspectorate

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

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6 Victoria Street
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AL1 3JB

Your reference:

DSF/SIMON

Our reference:

-APP/A1910/A/95/257267/P8

Date:

20 DEC 1995

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR RONALD SIMON
APPLICATION NO: 4/0275/95

APP/A1910/A/95/257267/P8
Date: 20 DEC 1995
RECEIVED
21 DEC 1995
SECTION 78 AND SCHEDULE 6

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the change of use from garage/store to residential property and garage at The Cedars, Pix Farm Lane, Bourne End, Hemel Hempstead, Herts. I have considered the written representations made by you and by the Council and those made by interested persons. I have also considered those representations made directly by the Berkhamsted Town Council and other bodies and interested persons to the Council which have been forwarded to me.
2. From my inspection of the site and its surroundings on 12 December 1995 and examination of the representations I consider the main issues in this case are, firstly, whether the proposed development would be appropriate in the Green Belt and, secondly, the effect it would have on the character and appearance of the locality.
3. Reference has been made to national planning guidance and to policies in the Hertfordshire County Structure Plan and the Dacorum Borough Local Plan and associated environmental guidelines. These relate principally to the establishment of the Green Belt and also set out the basis for deciding whether a particular proposed development within its boundaries would be acceptable. These are important planning policies and material considerations to which I have had regard in accordance with the requirements of section 54A of the Town & Country Planning Act 1990.
4. Paragraph 3.8 of PPG 2 (January 1995) advises that the re-use of buildings inside a Green Belt is not inappropriate development, provided that certain defined criteria are met. There have been a number of previous decisions in respect of the appeal building and its refurbishment but the appeal before me relates to an existing building and I therefore consider Paragraph 3.8 should apply.
5. It has been acknowledged that the building is of substantial construction, of a style and character in keeping with its surroundings, and capable of conversion to residential use without further major reconstruction. With regard to the impact of the proposed development on the openness of the Green



1079

RECYCLED PAPER

Belt I am mindful of the present permitted use of the building as a garage/store and the extent to which there could be action and movement in the forecourt area by persons and vehicles using the premises. I am also conscious that there would be little scope, within the limited curtilage, including the courtyard area which is surrounded by other existing buildings, for later significant extensions to the building or for intrusive domestic activities. I am satisfied that possible future alterations can be adequately controlled by applying suitable conditions and, with such safeguards, I consider residential use would have no material harmful impact.

6. I conclude, therefore, that the proposed development would meet the requirements of Paragraph 3.8 of PPG 2, that it would be appropriate within the Green Belt, and that allowing this appeal would not be harmful to the objectives of the Green Belt planning policies.

7. Turning to the more general effect on the locality I consider, for the reasons I have discussed above in relation to the Green Belt, that the use proposed would not lead to any significant increase in activity around the site, above that already permitted. It is common ground that in scale and form the structure itself is pleasing and blends in well with the adjoining buildings. As part of the proposed conversion, two new dormers are planned and these seem to me to be in keeping with the overall style and character of both the appeal building and the nearby properties. It is also proposed to re-establish as windows the openings in the gable end walls which have currently been blocked in, and I do not see this as being detrimental to the appearance of the building compared to the present situation. In my opinion, therefore, the proposed development would not have any materially harmful effect on the character and appearance of the locality.

8. Two previous dismissed appeals have been drawn to my attention. The first, dated 14 February 1991 (T/APP/A1910/A/90/167591/P2) related to the building in the current appeal, but embraced more extensive alterations to the structure, as it then existed, including re-construction of the first floor. The second, issued 22 April 1994 (T/APP/A1910/A/94/233332/P2) was in respect of premises at Primrose Cottage, Pouchen End Lane, and my colleague in that case considered, in the circumstances of that site, the proposed development would lead to a harmful intensification of domestic activity which could not reasonably be controlled by condition. These concerns do not, in my opinion, apply in the present case, and I have decided it on its own merits. I have also taken into account all the other matters raised in the representations but they do not outweigh the considerations which have led me to my decision.

9. As I have explained above I consider it essential to ensure adequate control of future changes to the building and site, and you have confirmed your client would be willing to accept a restriction on permitted development rights to achieve this. In addition to the standard time limitation I therefore propose to attach a condition to that effect.

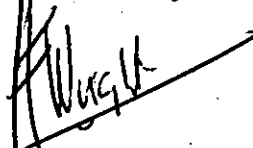
10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use from garage/store to residential property and garage at The Cedars, Pix Farm Lane, Bourne End, Hemel Hempstead, Herts in accordance with the terms of the application (No 4/0275/95) dated 6 February 1995, as amended by letter dated 15 May 1995 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

2. notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no development falling within Parts 1, 2 or 4 of Schedule 2 to that Order, other than work specifically approved within the permission hereby granted, shall be carried out without prior written permission being obtained from the local planning authority.

11. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of The Town and Country Planning Act 1990.

Yours faithfully


J F WRIGHT FRICS
Inspector



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0275/95

Ronald Simons
The Cedars
Pix Farm Lane
Bourne End
Hemel Hempstead
Herts

Pickworths
6 Victoria Street
St Albans
Herts
AL1 3JB

DEVELOPMENT ADDRESS AND DESCRIPTION

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The Cedars, Pix Farm Lane, Bourne End, Hemel Hempstead

CHANGE OF USE OF GARAGE/STORE TO RESIDENTIAL

Your application for *full planning permission* dated 15.05.1995 and received on 16.05.1995 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 13.07.1995

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/0275/95

Date of Decision: 13.07.1995

The site is within the Metropolitan Green Belt on the adopted Dacorum Borough Local 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 inappropriate and unacceptable in the terms of this policy.