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Messrs Fuller, Hall & Foulsham
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HEMEL HEMPSTEAD
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HP1 1LF

PLANNING DEPARTMENT					
Your reference					
Ack.					
DP	DC	CC	Adm	File	
Our reference					
T/APP/A1910/A/89/141539/P4					
Date					
4 APR 1990					
6 APR 90					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY ROCHIN SERVICES LTD
APPLICATION NO: 4/0307/89

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 construction of an access drive and car and trailer parking at the rear of premises known as The Old Dairy, Icknield Way, Tring. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly by the Tring Town Council and interested persons to the Council which have been forwarded to me. I inspected the site on 13 March 1990.
2. From the representations made and my inspection, I consider that, because the appeal site lies within the Metropolitan Green Belt, the primary issue to be decided in this case is whether such very special circumstances exist as to justify overriding the general presumption against inappropriate development in the Green Belt and, if not, whether the development would be harmful to the objectives of national and local Green Belt policies. In addition, I shall consider whether the proposal would have an adverse effect on the amenities of the occupiers of neighbouring dwellings and whether it would give rise to an unacceptable risk to highway safety.
3. Your client's premises comprise a single-storey workshop with a small concreted forecourt and it is proposed to extend the site by providing a driveway some 4.5 m wide, to the side of the building which would lead to a gravelled parking area to the rear, measuring approximately 24 m x 11.6 m. Icknield Way, onto which the premises front, divides the built-up area of Tring from the generally open countryside to the north-west and also forms the boundary of the Metropolitan Green Belt in this area.
4. The effect of national planning policy, as expressed in Planning Policy Guidance Note 2, is that planning permission is not to be granted, except in very special circumstances, for inappropriate development in a Green Belt and this objective is reflected in Policy 1 of the Hertfordshire County Structure Plan which states that permission will normally only be given for development required for mineral extraction, agriculture, sport and recreation or other uses appropriate to a rural area. The thrust of these policies is also endorsed by the adopted Dacorum District Plan.
5. I note that planning permission for the change of use of the premises from a former dairy depot was granted on appeal (ref: T/APP/5252/82/05477/G7) and that, on

the Green Belt issues, the Inspector concluded that, although a new building would have been unacceptable, a light industrial activity was preferable to allowing the existing building to remain unused and possibly become derelict.

6. In my opinion however, different factors are relevant in this case. The effect of the proposal would be to extend the use into the adjoining agricultural land and, although I accept that the additional parking facilities which would be created would be of benefit to your client, because of the restricted forecourt, I do not consider that such an advantage justifies overriding one of the principal purposes of Green Belt policy which is to safeguard the countryside from further encroachment. I am also influenced in this respect by the fact that the parking area would abut the rear garden of No 1 Miswell Cottage and, in my view, it would be unacceptable to introduce vehicle movements and the associated disturbance into an area where freedom from such an intrusion is reasonably to be expected.

7. The Council also contends that visibility at the proposed access is seriously below the required standard of 4.5 m x 120 m and you have not disputed the calculations which have been produced in that respect. However, in my opinion, the disadvantage would be balanced by the opportunity of improving highway safety by removing vehicles from the forecourt.

8. Nonetheless, I do not consider that that factor alone outweighs the objections to the proposal which I have described and I conclude that planning permission should be refused. I have also taken into account all other matters raised in the representations, but they do not alter my views on the main planning issues.

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

I am Gentlemen
Your obedient Servant



P ROSSON BA(Hons) Solicitor
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Rochin Services Ltd
The Old Dairy
Icknield Way
Tring
Herts HP23 4JU

Robert J Tucker
Market House
61 High Street
Tring
Herts HP23 4AB

Extension to car park

at The Old Dairy, Icknield Way, Tring

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 8 February 1989 and received with sufficient particulars on 15 February 1989 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 use of additional land to the rear of the property for the parking and manoeuvring of vehicles would result in an unacceptable loss of privacy to and amenity for the neighbouring residential properties.
3. Satisfactory visibility sight lines at the junction of the proposed access with Icknield Way cannot be provided on land within the control of the applicant. The use of a substandard access is likely to give rise to conditions prejudicial to road safety.

Dated ... Twentyninth ... day of ... June ... 1989

Signed.....

Wm Barnard

SEE NOTES OVERLEAF

P/D. 15

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.