

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Richard Rowe
C/o London Road
Apsley
Herts

Pickworths
6 Victoria Street
St Albans
AL1 3JB

..... DETACHED DWELLING (OUTLINE)

at ADJ "ROSEHEATH" AND "WAYSIDE" LONDON ROAD,
..... BOURNE END - ~~Home Hemstead~~

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 **Undated** and received with sufficient particulars on **7 March 1990** and shown on the plan(s) accompanying such application..

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

The site 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.

Dated 10 day of May 1990

Signed.....

Wm Barnard

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 the date 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.



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PLANNING DEPARTMENT
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Received				9 JAN 1991					
Comments									

Your reference

DSF/ROWE
Our referenceT/APP/A1910/A/90/166723/P8
Date

29 NOV 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6

APPEAL BY MR R ROWE

APPLICATION NO: 4/0356/90

1. As you are aware 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 a detached dwelling on land at London Road, Bourne End, Herts. I have considered the written representations made by you, by the Council and by an interested person. I visited the site on Monday 12 November 1990.

2. From my visit and from the representations made I consider the main issue to be decided is whether the proposal would be harmful to the aims of policies concerned with the control of development in the Metropolitan Green Belt, and if so, whether there are special reasons for an exception in this instance.

3. The appeal site, indicated as previously part of a garden curtilage and having an area of some 0.2 ha, is located between and to the rear of Wayside and Roseneath and has frontage to A41 London Road. To the east of this existing pair of dwellings is 2 further dwellings at the rear of a restaurant car park and mixed development beyond. West of Wayside and on the opposite side of London Road is undeveloped land.

4. In support of this appeal you point out that, unlike a previous application for a dwelling located towards the rear of the site, the present proposal has to be regarded as an 'infilling' which bearing in mind advice within Planning Policy Guidance Nos 3 and 7 and draft revisions thereof, should on balance be allowed. The site you say has for many years been in garden use associated with a dwelling house and although within the Green Belt, the erection of a dwelling therefore does not represent a change of use. Such a dwelling it is argued, would be well screened, giving rise to no demonstrable harm to the Green Belt and other developments in the vicinity having greater impact on the character of the area are brought to my attention. Your client's personal reasons for wishing to provide living accommodation on the appeal site are also stressed.

5. The council state that the appeal site is within the Metropolitan Green Belt on the adopted Dacorum District Local Plan where policies place very severe restraint on new development and permission will normally only be given for essential purposes appropriate to a rural area. Whilst Policy 5 of the District Plan indicates that infilling may be permitted in some of the large villages in the Green Belt, Bourne End is not one of these areas considered appropriate for small scale development. In this case it is argued, the proposal would be contrary to the aims of Green Belt policy and previous use of the site is not considered to be sufficient justification for allowing a dwelling in this location.

6. Although this application is for outline planning permission with all matters reserved for further consideration, it is nevertheless indicated that the proposal is to site the dwelling between adjacent properties known as Roseheath and Wayside.

7. The appeal site clearly lies within the defined Metropolitan Green Belt where Policy 1 of the Dacorum District Local Plan restricts new building to that required for agriculture, forestry or other essential purpose appropriate to a rural area. Planning Policy Guidance No 2 indicates the continued importance which the council attaches to the functions of a Green Belt, which includes preventing the spread of development outside urban areas and preservation of the character of the surrounding countryside.

8. Whilst Policy 5 of the District Local Plan makes provision for small scale residential 'infill' development within specified villages in the Green Belt, Bourne End is not one so selected. In fact Policy 4 of the Draft Dacorum District Local Plan specifically indicates this small settlement as being subject to normal Green Belt policies of severe development restraint. I am of the opinion therefore that, notwithstanding the historical residential use of the appeal site outlined, the proposed development would not be appropriate in this Green area.

9. In considering the impact of such a development, I have formed the opinion as a result of my visit, that much of the pleasant character of this part of Bourne End is derived from the generally open nature of existing development, to which the appeal site makes a significant contribution. I believe therefore that your client's proposal on this readily seen main road site, can only be regarded as an undesirable consolidation of the existing loose group of dwellings. The development in my view would further intensify the urban appearance of the frontage, to the detriment of the character of the area and in direct conflict with the aims of important Green Belt conservation policies.

10. Regard has been paid to your views and comments concerning other developments permitted elsewhere in the vicinity of Bourne End, which you feel lends support for this current proposal. Whilst the details in each case are not known to me, it nevertheless appears that circumstances differ from those applicable to the site now the subject of this appeal and I am not convinced that they justify further breaching of Green Belt objectives. Each case has to be judged on individual merit and it is on this basis that my decision has been reached in this instance.

11. I can understand the applicant wishing to provide living accommodation on his land for future retirement occupation. However there are many I am sure, who for similar reason, would like to live in the designated Green Belt and I do not accept this as being sufficient grounds for allowing a departure from normal policy. To accept such an argument would doubtless result in a gradual but considerable change in the character of the countryside.

12. It is my conclusion in consequence that your client's development application is inappropriate in this Green Belt location and gives rise to serious planning objection which overrides the normal presumption in favour of development advised in Government Circulars and Planning Policy Guidance. Furthermore there is no special reason submitted which in my judgement would support an exception and the council is right to withhold their consent in this instance.

13. I have taken account of all the other matters raised, including the current and potential uses of the appeal site, but they are not of sufficient weight to alter my decision.

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

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'G S Webb', with a long horizontal flourish extending to the right.

G S WEBB CEng MICE
Inspector