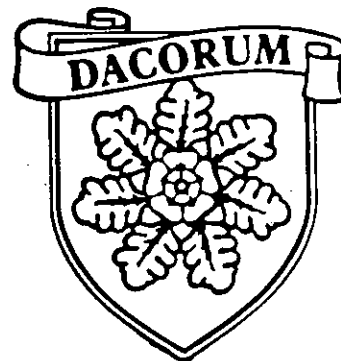


TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0375/95

McKay and Company (Developments)  
Limited  
2 St Peters Road  
Hammersmith  
London  
W6 9BD

Tanner and Tilley (Chartered  
Town Planners)  
194a Seabourne Road  
Southbourne, Bournemouth  
BH5 2JD

DEVELOPMENT ADDRESS AND DESCRIPTION

Unit 6, Hastoe Farm, Hastoe, Nr Tring

CONVERSION OF UNIT 6 TO FORM A DWELLING (REVISION OF PLANNING PERMISSION  
4/0798/90 (EXTENSION AND CONVERSION OF AGRICULTURAL BUILDING TO FORM 6 DWELLINGS,  
STORAGE AREAS AND PARKING)

Your application for *the retention of development already carried out* dated  
21.03.1995 and received on 23.03.1995 has been **REFUSED**, for the reasons set out  
on the attached sheet(s).

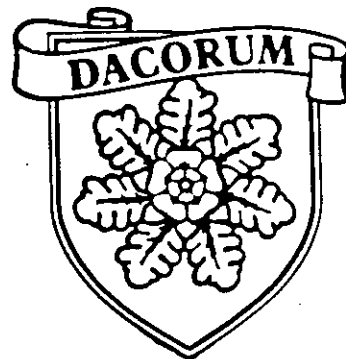
Director of Planning

Date of Decision: 20.04.1995

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0375/95

Date of Decision: 20.04.1995



1. The size and raised profile of the three rooflights on the northern roof slope makes them prominent within the street scene so that they are unsympathetic and out of character with this attractive building and the general area.
2. The 1.8 m high close boarded fence, due to its overall height, design and form, results in a hard urban appearance which is totally alien to the character of this Rothschild farm complex and the surrounding rural area.
3. The gate to the <sup>north eastern</sup> ~~South~~ of Unit 6 is likely to give rise to conditions prejudicial to highway safety.



Conversion of unit 6 to form a dwelling (revision of planning permission 4/0798/90 (extension and conversion of agricultural building to form 6 dwellings, storage areas and parking).

They said that the application was worded in this way as the works carried out are so significant that they fall outside the scope of the permission under 4/1647/93. Thus an entirely fresh application was required to cover the change of use of the barn and the works to it. Reference was made to support for this view from an opinion obtained from Counsel. However, the Council declined to submit this opinion, or part of it, as evidence. This reduces the weight I can give to their assertion that their view is supported in this way.

4. I consider that the application is correctly worded as I have set out in paragraph 2 above. My main reason for coming to this view is that although the application makes many changes to the 1993 permission the changes relate largely to matters of detail rather than substance. In addition although the Council chose to re-word the application, and sent the applicant a receipt of acknowledgement describing the proposal using the revised wording, they did not specifically seek the applicants approval for this. I also note that in the receipt the application type is referred to as being for "the retention of development already carried out." Thus from a reading of that receipt, and without being specifically informed of the Council's re-wording of the application, the applicant could have reasonably concluded that the Council intended to deal with the application on the basis upon which it had been submitted.

5. The appeal site is located in Green Belt within which there is a general presumption against inappropriate development. Government advice in PPG2 is that the re-use of buildings inside a Green Belt is not inappropriate development providing, among other things, it would not involve extensive boundary walling or fencing, the buildings are capable of conversion without major or complete reconstruction, and the form, bulk, and general design of the buildings are in keeping with their surroundings.

6. From the representations made at the Hearing and in writing and from my inspection of the site I consider that, having regard to the prevailing planning policies, there are 2 main issues in this appeal: first the effect the proposal would have on the character and appearance of the surrounding rural locality which is a designated Area of Outstanding Natural Beauty, and whether, if it resulted in the previously permitted barn conversion under 4/1647/93 amounting to inappropriate development in the Green Belt, there are any very special circumstances to overcome the normal presumption against such development; and second the effect on highway safety of the gate on the north-east access.

7. The development plan for the area is the Hertfordshire County Structure Plan Review incorporating Approved Alterations 1991, and the Dacorum Borough Local Plan adopted 1995. I have been referred to Structure Plan Policies 1, 2, 47, and 48. Policy 1 confirms the Council's policy to maintain a Green Belt and Policy 2 says that within Areas of Outstanding Natural Beauty the prime consideration will be the preservation of the beauty of the area. Policies 47 and 48 refer among other things to the protection and enhancement of the character of rural areas. The Local Plan Policies to which I have been referred are 3, 8, 9, 89, 90, and 100. Policy 3 says amongst other things that the appropriate use of some redundant buildings in the Green Belt would be acceptable and has a cross reference to Policy 100. Policy 8 refers to the quality of development and covers design and matters of access amongst other things. Policy 9 refers to environmental criteria which amplify matters in

Policy 8. The criteria the Council has referred to is embodied in its guidance 14 on the conversion of redundant agricultural buildings, and specific mention was drawn to references to window openings and fencing. Policy 89 refers to the areas of landscape restraint within the District and Policy 90 reiterates the approach set out in the Structure Plans with regard to proposals in Areas of Outstanding Natural Beauty. Policy 100 says permission will be granted for the conversion of redundant buildings in the countryside provided amongst other things there would be no substantive change to the character and appearance of the building.

8. In refusing the current application the Council's concerns were limited to the following specific aspects of the proposal: the use of velux type roof lights, on the north elevation, in place of the Conservation Rooflight referred to on the submitted plans, the enclosure of part of the rear garden with a close boarded fence, and the erection of a gate to the vehicular access on the north-east boundary. The latter 2 works being undertaken notwithstanding the removal of permitted development rights by condition 7 of the 1993 application.

9. On the first issue, the velux rooflights are slightly larger than the Conservation Rooflight shown on the permitted plans and are also located slightly further up the roof slope from the eaves. However, this does not make them significantly more noticeable from either long or short distance views. However, they do protrude slightly further above the roof tiles, which is noticeable due to the shadows this creates on the tiles in certain lighting conditions. This, combined with the external appearance of the frame, has resulted in the introduction of a non-traditional feature into a building of the age and design of the appeal premises. The use of the Conservation Rooflight which would have been set slightly more flush to the roof, have been of a cast iron construction and have had glazing bars, would have resulted in a feature more in keeping with buildings of this period.

10. However, the appeal premises is only one of a number of barns which together comprise an attractive, albeit unlisted range of farm buildings. On the roofs of other buildings in this group a considerable number of velux rooflights have been permitted, and in locations clearly visible from public vantage points. The character of the roofscape of the barns has already been significantly altered by these windows. In this context the rooflights on the northern elevation of the appeal premises do not look out of character. Moreover, from the nearby public vantage points of Hastoe Hill and public footpath 75, tree screening in front of Unit 6 means that views of the velux windows are obscured or partially obscured which greatly reduces the effect they have on the character and appearance of the wider area.

11. You say that the fence is required for privacy and that its removal would be contrary to condition 7 of the 1993 permission which removed certain permitted development rights in the interests of residential and visual amenity. However, privacy could be provided by other means and there is clearly nothing in the wording of condition 7 to support your contention.

12. The fence is not readily visible from public vantage points and does not extend into open countryside. It can, however, be seen from a house immediately to the west of the site and is visible from the gardens of some of the other converted units to the south which are on higher ground. Close boarded fencing is not generally a feature of farm buildings of this period. However, the barn complex, of which the appeal site comprises a part, no longer retains a strong agricultural appearance. This is due in part to the permissions already given and implemented for velux rooflights and also in part due to the permissions given

retrospectively for the pond and summerhouse in the garden of unit 3 and the wendy house in the garden of unit 2. Seen in this context the fence does not look out of character. The Council expressed concern that the fence would not weather with age to look more attractive, as would a wall. However, in my experience the weathering of such fences does mellow any rather harsh appearance they may initially have. Although reference was made in support of the proposal to another wooden fence to a dwelling nearby I saw few similarities with this site and the existence of that fence has not therefore been a material factor in my decision.

13. I conclude that the proposal would not harm the character and appearance of the surrounding rural locality, and that if permission was granted it would favour the conservation of the natural beauty of the landscape. As such the proposal, which does not involve any substantive change to the character and appearance of the building, when seen in the context of the neighbouring barns to which it is closely linked, does not conflict with the policies of the development plan to which I have been referred. Neither as a result would it render the development inappropriate development in the Green Belt.

14. On the second issue you query whether the Council had the right to refuse permission for the gate to be retained on highway grounds. This, you say, is because permission for the gate is required due to the removal of permitted development rights by condition 7 of application 4/1647/93, and the reason given for the condition was interests of residential and visual amenity. However, I consider this to be immaterial, as the gates are over 1 metre high and from what I saw are constructed adjacent to a highway used by vehicular traffic. As such they are not permitted development under Part 2 Class A of The Town and Country Planning (General Permitted Development) Order 1995.

15. You say you have never seen the gate shut and that an alternative vehicular access is readily available. However, there is no guarantee that the occupier of the property or any future occupants would keep the gate open. From what I saw the gate is clearly capable of being shut and I must consider the effect on highway safety of vehicles potentially being parked on the highway while the gates are being opened or shut.

16. The location of the north-east access, and the width of the public highway at this point, means that a car parked on the highway in front of the gates would be unlikely to significantly obstruct traffic on Hastoe Hill, Gadmore Lane and Browns Lane. A car parked in this way would encroach onto Church Lane. However, as the highway is quite wide at this point there would still be sufficient room for cars to pass safely. For these reasons, and due to the relatively low levels of traffic on adjoining roads, notwithstanding the residential use of the adjoining barns, the proposal would not cause a highway danger. Moreover, the sharp bend and road junction in the vicinity of the appeal site would have the effect of reducing traffic speeds in some directions past the disputed gates, to the further benefit of highway safety. The Council referred to a possible danger to horse riders from nearby stables who pass the appeal site. However, for the same reasons I have given in relation to the dangers to vehicular traffic, riders on horseback would not be endangered by the proposal.

17. On the second issue I conclude that the retention of the gate would have no adverse effect on highway safety, and would thus not be contrary to the development plan policies to which I have referred.

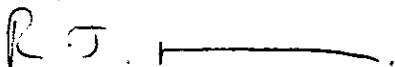
18. The Council has suggested 2 conditions should the appeal be allowed. The first condition would remove permitted development rights to extend the property and the second permission would remove permitted development rights for additional openings in any elevation or roofscape. The first condition reiterates, albeit with different wording, a restriction in condition 7 of the 1993 application. You raised no objection to this suggested condition. However, as the application merely authorizes specific works carried out in the manner set out in paragraph 2 of this letter it does not supersede the permission granted under 4/1647/93 and the conditions attached to it. Accordingly the suggested condition is unnecessary. The second suggested condition would impose a restriction not specifically embodied in condition 7 of the preceding application and goes beyond what is required to make the proposal acceptable. The Council's main concern in this case concerning the elevation of the building has been the insertion of velux rooflights in the north elevation. The insertion of further such rooflights on this elevation would be controlled by condition 7 which would prevent, without permission, works to the roof facing the public highway and extending beyond the roof slope.

19. I have considered all the other matters raised in the representations, but in my opinion none are sufficient to outweigh the factors which have led to my conclusions. I have also considered all the other changes proposed in this application to the permission granted under 4/1647/93. They are relatively minor changes that in the context of the remainder of the farm complex, as it now exists, do not adversely affect the character or appearance of the locality.

20. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for an application for permission retrospectively for: the retention of works carried out in contravention of the previously approved plans under application 4/1647/93, and in contravention of details submitted pursuant to condition 4 of planning permission 4/0798/90; and for the retention of works requiring the written consent of the Council under condition 7 of application 4/1647/93, at unit 6 Hastoe Farm, Hastoe in accordance with the terms of the application (No 4/0375/95) dated 21/03/95 and the plans submitted therewith.

21. 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



R J Marshall LLB DipTP MRTPI  
Inspector

**APPEARANCES**

**FOR THE APPELLANT**

Mr Roger Tilley MRTPI	- Of Tanner and Tilley
MI Mgt	Chartered Town Planners

**FOR THE LOCAL PLANNING AUTHORITY**

Mrs Higenbottam BA (HONS)	- Senior Planning Officer
MRTPI	

**INTERESTED PERSONS**

Mr G Taylor	- The Mill, Gadmore Lane, Hastoe, Tring, Herts.
Mrs R Glaspool	- Long Croft, Browns Lane, Hastoe

**DOCUMENTS**

Document 1	- List of persons present at the Hearing.
Document 2	- Letter of notification of appeal and those notified.
Document 3	- Details of Conservation Rooflight.
Document 4	- Note 14. Conversion of redundant agricultural buildings.
Document 5	- The Council's receipt of application 4/0375/95.
Document 6	- Note of 2nd March 1995 from Mrs Higenbottam to Mr Taylor.
Document 7	- Note of 9/3/95 from Mrs Higenbottam to Mr Taylor.
Document 8	- Appendices to appellants proof.
Document 9	- Appendices to Council's proof.



**PLANS**

- Plan A - The application plans being:  
TT/106A/494/01  
TT/106A/494/02  
TT/106A/494/03  
TT/106A/494/04
- Plan B - Public Rights of Way Map
- Plan C - Floor plans of application 4/657/93

**PHOTOGRAPHS**

- Photograph 1 - 4 photographs submitted with application
- Photograph 2 - 2 photographs of appeal building submitted  
by the Council