



# Department of the Environment and Department of Transport

Common Services

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7 AUG 1987

CPO 7/8

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PLANNING DEPARTMENT GTN 2074				
DACORUM DISTRICT COUNCIL				
C.P.O.	D.P.	D.C.	B.C.	Admin.
Received - 7 AUG 1987				
Comments				

Your reference

CP/NMD/295

21511

Our reference

T/APP/A1910/A/86/57100/P5

Date

1-6 AUG 87

2/AB

3/AB

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR JOHN GREEN  
APPLICATION NO:- 4/0489/86

- As you know 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 planning permission for the erection of 3 detached dwellings with garages on land at The Nursery, Long Lane, Bovington Green. I conducted an informal hearing into the appeal on 14 July 1987.
- From the representations made and my inspection of the site and its surroundings I have come to the view that the principal issue in this case is whether the proposed development would materially harm the appearance and character of Long Lane and undermine the relevant planning policies applicable to the area.
- The appeal site consists of a flat, overgrown plot of former nursery land, approximately 0.4 ha (1.1 acre) in area. It lies on the west side of Long Lane, behind a substantial, natural, untrimmed hedgerow. This, together with a high, solid gate across the narrow entrance to the site, completely screens the land from public view. Similar hedgerows, interspersed with mature trees, characterise the west side of Long Lane, giving it a very rural appearance. These hedgerows largely hide the 5 detached dwellings, set deep into secluded, spacious plots to the north and south of the appeal site and screen the area of derelict RAF land, lying between Hunters Close and Le Chalet.
- The very rustic character of the west side of Long Lane, in the vicinity of the appeal site, contrasts with the more urban appearance of the east side. From Chesters northwards, there is an almost continuous ribbon of houses, with the dwellings being sited quite close to the road. On this side of Long Lane, there is significantly less vegetation softening the visual impact of the buildings.
- The appeal site lies in the Metropolitan Green Belt, the boundaries of which have been defined in the adopted Dacorum District Plan. Policy 1 of the District Plan follows the basic Green Belt strategy set out as Policy 2 in the approved Structure Plan. Under Policy 1, permission will not be granted, except in very special circumstances, for development, unless it is required for the purposes of agriculture or forestry, for leisure purposes appropriate to the area and which cannot reasonably be located within urban areas, or for other uses appropriate to the Metropolitan Green Belt. Whilst development may be permitted within the confines of existing development at Bovington, under Policy 3 of the District Plan, the defined boundaries of that settlement on the Proposal Map exclude Bovington Green and Long Lane.

6. In your view, Bovington Green and the area of Long Lane extending to Dunober and Chesters should be included within the defined development boundaries of Bovington and should not be subject to the restrictive policies applicable to the Green Belt. The site is derelict and makes no contribution to the Green Belt and its development would satisfy the criteria set out in Policy 5 of the District Plan. This deals with small-scale residential development within certain specified settlements, although it is accepted that these exclude Bovington Green. The proposed scheme would contribute to meeting the required 1,200 houses by 1996. Other derelict sites in the locality, notably the former RAF site similarly could be developed without any material harm to the aims of the Green Belt.

7. I share the opinion of the council that Bovington Green and Long Lane do not visually form part of the built-up area of Bovington. Around the Green, the development is fairly loose-knit and open and Long Lane is a rather fragmentary area of housing, agricultural buildings and open spaces, detached from the relatively dense development of Bovington, itself. Although overgrown and somewhat unkempt in appearance, the essential openness of the appeal site contributes to the rural character of Long Lane. In my view, the application of the Green Belt policies to this site is appropriate, having regard to the character of the area and to the specific definition of the boundaries of the Green Belt in an adopted Local Plan, which has been the subject of full public consultation.

8. I do not consider the proposal would satisfy the criteria set out in Policy 5, even if Bovington Green and Long Lane were identified as locations within which small-scale housing would be permitted. Firstly, the site is not a small gap in an otherwise built-up frontage. The appeal site represents a significant gap, capable of accommodating 3 substantial dwellings within a frontage which currently only accommodates 5, well hidden houses. Unlike the fairly continuous frontage development opposite, the appeal site forms part of a fragmented frontage of buildings interspersed with gaps of varying sizes, with the appeal site representing a notable space between Two Bays and Beggars Roost.

9. Secondly, it is my view that the development of this site would detract from the character of Long Lane, by filling a large, essentially open space with substantial buildings. These buildings would be visible through the gaps created in the dense hedgerow to provide access and would consolidate the rather sporadic nature of the existing development on the west side of Long Lane. Removal of parts of the frontage hedgerow and the trimming of the remainder, to provide adequate visibility, would substantially detract from the rural character of this side of Long Lane, giving it a more domestic appearance.

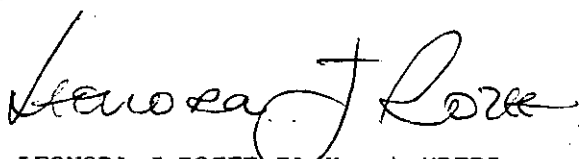
10. As to criteria (c) and (d), the site is an open site opposite existing development, which does not represent a minor part of the whole frontage, taking the frontage as representing the west side of Long Lane from Dunober northwards. I appreciate that the plot and dwelling sizes roughly accord with the 5 houses to the north and south and that, with this development, there would be no further potential for building on the appeal site. Nevertheless the development would result in the loss of an open space which contributes to the character of Long Lane, and it is not of the type which is directly related to the needs of an essentially rural area. I note that permission has been refused consistently for the residential development of this site in one form or another over the last 2 decades. In my view, there is no significant change in circumstances which would justify permission being given now, in contravention of the established Green Belt policy in this area. I sympathise with the council's concern that, should such a permission be forthcoming, it would put other similar sites within the Green Belt at risk and the cumulative effect of the development of such sites would substantially harm the appearance and character of the Green Belt and undermine the aims of the relevant planning policies.

11. I have taken into account all other matters raised, including your concern that this site is incapable of any alternative use, in view of its size and contamination by glass fragments. However, the site is not unattractive and the harm the proposed development would have on the appearance and character of this area and on Green Belt policy, in my view, overrides any possible economic justification for its residential development. Accordingly, I find no other matter raised of such merit as to override the considerations which have led to my conclusions.

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

I am Sir

Your obedient Servant

A handwritten signature in cursive script, reading "Leonora J Rozee". The signature is written in dark ink and is positioned above the printed name and title.

LEONORA J ROZEE BA (Hons) MRTPI  
Inspector

APPEARANCES

FOR THE APPELLANT

- |                                  |  |
|----------------------------------|--|
| Mr Colin Parry BSc DipArch(Hons) | - of Colin Parry & Associates,<br>146 Station Road, Amersham,<br>Bucks, HP6 5DW. |
| Mr Philip Bee FRTPi FRIBA FRSH   | - Town Planning Consultant.  |
| Mr John Green                    | - Appellant.   |

FOR THE PLANNING AUTHORITY

- |                       |                       |
|-----------------------|-----------------------|
| Mr. R J Chapman MRTPI | - Planning Assistant. |
|-----------------------|-----------------------|

DOCUMENTS

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|----------------------|--|
| Document 1           | - List of persons present at the inquiry.  |
| Document 2           | - Council's letter of notification and list of persons notified.   |
| Document 3           | - Letter of representation.  |
| Document 4           | - Extract from County Structure Plan, Alterations No. 1, Policy No. 2.                                       |
| Document 5           | - Extract from Dacorum District Plan Written Statement, Chapters 2 and 3 and car parking guidelines.         |
| Documents 6(i)-(iii) | - Copy of letter from Mr Bee to the Editor of The Gazette and 2 newspaper extracts, referred to by Mr Parry. |

PLANS

- |                |  |
|----------------|--|
| Plans A(a)-(d) | - Application Plans Drawing Nos 295(1-4)                       |
| Plan B         | - Location Plan.   |
| Plan C         | - Draft Dacorum District Plan Proposals Map Inset No. 5.       |
| Plan D         | - Adopted Dacorum District Plan Proposals Map Inset No. 5.     |
| Plan E         | - 1:2500 scale plan showing some planning history in the area. |

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

## DACORUM BOROUGH COUNCIL

To Mr.J.Green  
The Nursery  
Long Lane  
Bovingdon Green, Herts

Colin Parry & Associates,  
146 Station Road  
Amersham  
Bucks, HP6 5DW

Three detached dwellings and garages

"The Nursery" land between "Two Bays" and "Beggars"  
at "Roost" Long Lane, Bovingdon

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 21.3.86 and received with sufficient particulars on 27.3.86 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 is within the Metropolitan Green Belt on the County Structure Plan and the Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension of existing buildings for agriculture or other essential purposes appropriate to a rural area or small-scale facilities for participatory sport or recreation. No such overriding need has been proven and the development is unacceptable in terms of this policy.

Dated 15 day of MAY 1986

Signed

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

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.