



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0495/94

Chiltern Young Riders
Owlets
London Road
East Amersham
Bucks

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

O.S.Parcel 2562, Land between Little Dickshill Wood and Great Dickshill Wood,
Shootersway, Berkhamsted.

CHANGE OF USE OF LAND FROM AGRICULTURE TO USE FOR JUNIOR OFF-ROAD MINI-BIKE TRACK

Your application for *full planning permission* dated 13.04.1994 and received on
12.04.1994 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 23.06.1994

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/0495/94

Date of Decision: 23.06.1994

The adopted Dacorum District Plan and Dacorum Borough Local Plan Deposit Draft and Proposed Modifications show the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance. The proposed use is a noisy countryside sport which would have a detrimental effect on the quiet enjoyment of the countryside. The proposed earth bund and car park would adversely affect the visual appearance of this sensitive setting in the Chilterns Area of Outstanding Natural Beauty.



The Planning Inspectorate

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

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-87 8927
Switchboard 0272-878000
Fax No 0272-878769
1374-

PLANNING DEPARTMENT						GIN
DACORUM BOROUGH COUNCIL						
Ref.		Ack.				
Dep	ICEM	DP				File
Received		-8 NOV 1994		Your Ref: CYR 1/2		
Comments		Your Ref: T/APP/A1910/A/94/239929/P5				
		Date: -7 NOV 1994				

Mr S Newell
Chiltern Young
'Owlets'
London Road East
AMERSHAM
Bucks
HP7 9DH

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: 4/0495/94

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for change of use of land from agriculture to off-road mini-bike track on land between Little Dickshill and Great Dickshill Woods, Shootersway, Berkhamsted. I conducted a hearing into the appeal on 19 October 1994.

2. The appeal site is a rectangular field some 1.5ha in area, bordered on 3 of its sides by mixed woodland. It lies on the upper slopes of the Bulbourne Valley above Northchurch, access to it being by means of a byway open to all traffic (BOAT 25). That byway, which also leads to a number of other fields, runs along the northern edge of the recently opened Berkhamsted (A41) bypass. The site forms part of the Metropolitan Green Belt and it also lies within the boundary of the Chilterns Area of Outstanding Natural Beauty (AONB).

3. PPG2 identifies outdoor sport as one of a limited number of types of use which may be appropriate within Green Belts. That national guidance is reflected in both county and district policies for this area. On Green Belt grounds, therefore, there is no objection in principle to the proposed use.

4. In respect of the AONB, PPG7 indicates that the primary objective within an area so designated is the conservation of the natural beauty of the landscape. The Dacorum Borough Local Plan Deposit Draft contains detailed policies relating both to the AONB and to noisy sports, a definition which would encompass the intended use. As this draft plan is very close to adoption, I propose to attach considerable weight to these particular policies.



5. Policy 77 of the Local Plan Deposit Draft, as modified, states that the development of land for noisy countryside sport will not generally be accepted unless certain criteria are met; these require the use to occupy damaged or unused land outside the AONB, there to be no disturbance to residential areas or damage to ecological value, and for the scale of the activity to respect the countryside setting and surrounding area. Policy 89 states that any development which would detract from the beauty of the AONB will be refused; it must also not be intrusive in terms of noise, disturbance, traffic generation and parking. Encouragement is given to informal outdoor recreation allowing the quiet enjoyment of the countryside.

6. From the evidence at the hearing, from the written representations and my inspection of the site and the surrounding area, I consider that there is a single main issue in this case. This is whether the proposed use would have a significantly intrusive impact upon the Chilterns AONB, in respect of its appearance or any noise and disturbance.

7. Chiltern Young Riders was formed about 5 years ago with the aim of providing young children with the necessary skills and discipline to ride motorbikes in safety. You seek a temporary planning permission whereby the proposed new track would be used on alternate week-ends, and on week-days in the summer holidays, in conjunction with your existing track at Chalfont St Peter. Your practice is to run a series of one hour courses between 1000 and 1400 hours, involving in each case 4-6 children, the subsequent 2 hours being devoted to birthday sessions and a maximum of 5 children at any one time. On occasion, up to 3 children who have their own bikes are allowed to join the group sessions. While you cater for a wide age range - from 4 up to 16 - most of those who attend are between 7 and 13.

8. As has been mentioned in paragraphs 4 and 5, there is a general policy presumption against noisy sports in the countryside, particularly where these would involve the AONB. It seems to me, however, that there are special circumstances in this case and arguments in favour of the proposal which need to be balanced against the policy objections.

9. First, the site lies very close to the A41 bypass, a fast dual carriageway which itself is the source of a considerable amount of noise. From the evidence presented, it is clear that the byway BOAT 25 is regularly used by walkers, there being scope for circular walks also involving other tracks. In using the byway, they would pass close to the site entrance, at which point they would be able to see and hear any motorbikes in use. However, any such noise emissions would be experienced against the background of the considerable traffic noise arising from the bypass.

10. Given that this section of the countryside is now far from quiet, I consider it unlikely that the proposed use would

lead to any significant further reduction in the enjoyment of people walking in this area. While there would be some additional vehicular use of the byway, arising from the bringing and collection of children, I believe that the numbers of vehicles involved would be quite low. Given the generous width of the track and the existing noise from the road, I do not think that this traffic would give rise to any significant conflict with walkers.

11. A second factor is the relatively low-key nature of the proposed operation, the number of motorbikes likely to be in use at any one time being quite low (paragraph 7). Also, the bikes would be small, low-powered machines suitable for use by children, the largest of those I saw being demonstrated having an engine capacity of 80cc. While I found the noise from these to be quite intrusive when experienced from close to - particularly when they were being revved up - against the general noise background, I do not think that these small bikes would be a cause of any significant disturbance to users of the byway. In terms of overall impact, I believe that a clear distinction can be drawn between the proposed training track and larger types of track intended for competition use by teenagers or adults riding more powerful and inherently noisier machines.

12. Third, it seems to me that because of the sloping nature of the land and the considerable tree screening, the site is hidden from view from most directions. From the south, east and north, it is completely concealed by the Little Dickshill and Great Dickshill Woods. Its north-western corner can be seen from the byway at some distance to the west, although from closer to the entire site is hidden by the slope of the intervening land. In practice, it can be seen at close quarters only through the site entrance. This leads me to the view that, subject to appropriate conditions regarding, inter alia, the layout of the track, the location of car parking spaces, and the treatment of the field as a whole, the use could be accommodated without any significant detriment to the appearance of this part of the AONB.

13. A requirement of Policy 77 of the Local Plan Deposit Draft is that there should be no disturbance to residential areas. In this case, the site is some distance from any houses, the nearest dwelling being 'Hedgelands', a property which is served from Pea Lane, a narrow track which runs to the immediate east of Little Dickshill Wood. However, in a test which was conducted on my behalf as part of the hearing, I was unable to detect motorcycle noise at that property's boundary, although I became just aware of it further to the south along Pea Lane, at a point close to the edge of the above-mentioned wood. The test involved 4 motorcycles being revved up fully within the north eastern corner of the field, that part closest to Hedgelands.

14. My finding differs somewhat from the result of an earlier demonstration conducted on behalf of the Council's Director of

Housing and Health in which the 6 to 8 bikes then in use were audible at Hedgelands. However, in that case the noise was not felt to be intrusive or at nuisance levels, although it was thought that the introduction of a noise bund at the north-eastern corner of the field would reduce levels further. This leads me to the conclusion that, at the intended levels of use, noise emissions from the types of motorbike to be ridden would not in practice be a cause of any significant disturbance.

15. I have considered 2 further matters, the question of ecological impact and the possible effect upon any archaeological remains. The ecological interest of the area centres upon the surrounding woodlands and the hedgerow which defines the western boundary of the site. These would appear to contain quite a rich variety of species and it is important, in my view, that this diversity and interest is maintained. However, it has been suggested that this could be achieved through a suitable buffer zone just inside the site perimeter. Given this precaution, I feel no reason to believe that the ecological interest of the surrounding areas, including the hedgerow along the western boundary of the site, would be placed under any real threat.

16. On the second of these points, the County Archaeologist has drawn attention to the probability that the site contains archaeological remains associated with a Bronze/Iron Age feature known as 'Grims Ditch'. However, on the basis of your assurance that it will not be necessary to remove any of the existing top soil from the site, he believes that the development could be undertaken without damaging any remains. You have indicated a preparedness to avoid any digging within the area of Grims Ditch and to construct any obstacles that may be needed in this area using topsoil from another part of the field or estate. With this proviso, I consider that the archaeological interest of the site could be adequately protected.

17. To conclude on the main issue, I have reached the view that, with appropriate conditions, the proposed use would not be visually intrusive within this part of the AONB. Also, given the noise background created by the presence of the new bypass, and the relatively small scale of the proposed use, I do not think that it would be a source of any significant additional noise and disturbance. I believe that the circumstances of this case are special and that there is adequate justification for me to allow this appeal on the temporary basis proposed, notwithstanding the weight which I have attached to the cited planning policies. As was canvassed at the hearing in the discussion on conditions, I have decided that the permission I shall grant should run for a 2 year period. Proposals for any subsequent continuation of the use could be assessed in the light of the experience built up over that time.

18. I believe that the considerations which have led me to allow this appeal are reinforced by a further argument, namely that the operation would appear to meet a specific need amongst a substantial number of young people. In this respect, I note that the application received the support of the Council's Director of Community and Leisure as an initiative which would encourage a responsible and controlled use of motorbikes in a supervised environment. Also, 3 other Councils have made use of your services as part of their provision for young people during the summer holiday period.

19. I have taken into consideration the other appeal decision which the Council has cited (Ref T/APP/A1910/A/93/221273/P2). However, it seems to me that the circumstances which led the inspector involved to dismiss that appeal were very different to those now before me. While the proposal also involved a leisure use, from the information available, this would have been more intensive than what is now proposed, entailing, inter alia, floodlighting and team games. Another case mentioned by the Council which would involve the deposition of waste, in my view, has little in common with what is now before me.

20. I have taken into account all of the other matters raised in the representations, including the points raised at the application stage by Hertfordshire Conservation Society and by local residents. However, neither these nor anything else before me are of sufficient weight to override my conclusion based on the main issue.

21. In imposing conditions on a grant of planning permission, I have taken into account those suggested by the Council and the discussion which took place at the hearing. Under the Council's Condition (1), the permission would expire at the end of August 1996. I propose to amend this to enable the permission to endure for a full 2 years or any such longer period as may be agreed in writing by the local planning authority. Conditions (2), (7) and (8) relate to the actual use of the land; they would restrict the running of the track to Chiltern Young Riders, the times of use to those specified by the applicant, and the actual number of motorbikes in use at any one time. It is on the basis of these restrictions that I have judged this proposal to be acceptable and I shall therefore impose conditions on those lines. For the avoidance of doubt, I shall add a further condition restricting the ages of those using the track; this will employ similar wording to one put forward by the Director of Housing and Health.

22. The Council's Conditions (3) and (5) relate to details of track formation and design, including any obstacles and bumps. In my view, the siting and appearance of the track is of special importance, bearing in mind the AONB designation, and merits a suitable condition. Condition (10) seeks to safeguard archaeological remains associated with Grims Ditch. Having regard for the advice in PPG18 ('Archaeology and Planning'), I believe that a condition whereby these can be

preserved in situ, undisturbed by any potentially damaging excavation, is a necessary part of this planning permission.

23. Condition (4) deals with car parking. With the AONB designation in mind, it seems to me that the siting of the car park is particularly important, and I shall therefore impose an appropriate condition. Conditions (6) and (9) address noise emissions and practical means of attenuation. I shall impose a condition regarding noise levels, which will be in accordance with the advice set out in PPG24 ('Planning and Noise'). However, from the evidence available to me, including the demonstration conducted on my behalf, I am not persuaded that an earth bund is needed, at least at this stage.

24. The remainder of the conditions suggested by the Council relate to the protection of hedgerows and trees on the site and supplementary landscaping. Bearing in mind the limited period of this permission, I do not think it would be reasonable to require the applicant to carry out extensive tree and shrub planting works. However, it would be appropriate, in my view, for there to be a buffer zone to secure the protection of the trees and other existing planting around the perimeter of the site. Also, it will be important from a visual point of view to ensure that any land outside that needed for the track is seeded with a suitable grass based mix.

25. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for change of use of land from agriculture to off-road mini-bike track on land between Little Dickshill and Great Dickshill Woods, Shootersway, Berkhamsted, in accordance with the terms of the application (No 4/0495/94) dated 13 April 1994 and the plans submitted therewith, subject to the following conditions:

1. the use hereby permitted shall be discontinued and the land restored to its former condition as agricultural land on or before the expiration of 2 years from the date of this letter or such longer period as may be approved in writing by the local planning authority;

2. this permission shall not enure for the benefit of the land and the use hereby permitted shall cease when Chiltern Young Riders cease to use the land as a 'mini bike' training track or the expiration of this permission whichever is the earlier;

3. the use hereby permitted shall only be carried out between 1000 and 1600 hours on Saturdays and Sundays between the months of September and July inclusive and on weekdays between 1000 and 1600 hours in the month of August;

4. there shall be no more than 10 motorbikes in use at the site between 1000 and 1400 hours and no more than 5 motorbikes in use between 1400 and 1600 hours on the permitted days;

5. apart from the organiser, there shall be an age limit for track users of 16;

6. the use hereby permitted shall not take place until details of the siting of the track and of its formation and design, including any changes in ground level, obstacles or bumps, or stakes or fences, have been submitted to and approved by the local planning authority;

7. within that part of the site likely to contain archaeological remains associated with the feature known as Grims Ditch, that area to be identified in consultation with the Council and the County Archaeologist, no groundworks should take place below the existing ground surface, including removal of top soil;

8. the use hereby permitted shall not take place until details of the siting of the car park and of its construction and layout have been submitted to and approved by the local planning authority;

9. noise emissions from the track shall not cause the background sound pressure level to exceed 50 dB, expressed as an A-weighted L90 over 15 minutes, at the boundary of the dwelling Hedgelands, Pea Lane, Berkhamsted;

10. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of seeding treatment for the site which shall apply to all areas which do not form part of the proposed track, and that scheme shall be carried out in the first seeding season following the completion of the track;

11. the trees around the perimeter of the site and the hedgerow along its western side shall be protected during the course of construction of the track in accordance with measures to be submitted to and approved by the local planning authority;

12. there shall be an undisturbed buffer zone a minimum of 5m wide between the outside of the track and the site boundaries.

26. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

27. 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

C. J. Gossop

DR C J GOSSOP BSc MA PhD MRTPI
Inspector



The Planning Inspectorate

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

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-87 8927
Switchboard 0272-878000
Fax No 0272-878769
1374-

PLANNING DEPARTMENT GTN						
DACORUM BOROUGH COUNCIL						
Ref.	Ack.					
DoP	T.C.P.M.	DP	J.C.	C	File	
Received				Your Ref: CYR 1/2		
Comments				Date: 7 NOV 1994		

Mr S Newell
Chiltern Young
'Owlets'
London Road East
AMERSHAM
Bucks
HP7 9DH

T/APP/A1910/A/94/239929/P5

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: 4/0495/94

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for change of use of land from agriculture to off-road mini-bike track on land between Little Dickshill and Great Dickshill Woods, Shootersway, Berkhamsted. I conducted a hearing into the appeal on 19 October 1994.

2. The appeal site is a rectangular field some 1.5ha in area, bordered on 3 of its sides by mixed woodland. It lies on the upper slopes of the Bulbourne Valley above Northchurch, access to it being by means of a byway open to all traffic (BOAT 25). That byway, which also leads to a number of other fields, runs along the northern edge of the recently opened Berkhamsted (A41) bypass. The site forms part of the Metropolitan Green Belt and it also lies within the boundary of the Chilterns Area of Outstanding Natural Beauty (AONB).

3. PPG2 identifies outdoor sport as one of a limited number of types of use which may be appropriate within Green Belts. That national guidance is reflected in both county and district policies for this area. On Green Belt grounds, therefore, there is no objection in principle to the proposed use.

4. In respect of the AONB, PPG7 indicates that the primary objective within an area so designated is the conservation of the natural beauty of the landscape. The Dacorum Borough Local Plan Deposit Draft contains detailed policies relating both to the AONB and to noisy sports, a definition which would encompass the intended use. As this draft plan is very close to adoption, I propose to attach considerable weight to these particular policies.

5. Policy 77 of the Local Plan Deposit Draft, as modified, states that the development of land for noisy countryside sport will not generally be accepted unless certain criteria are met; these require the use to occupy damaged or unused land outside the AONB, there to be no disturbance to residential areas or damage to ecological value, and for the scale of the activity to respect the countryside setting and surrounding area. Policy 89 states that any development which would detract from the beauty of the AONB will be refused; it must also not be intrusive in terms of noise, disturbance, traffic generation and parking. Encouragement is given to informal outdoor recreation allowing the quiet enjoyment of the countryside.

6. From the evidence at the hearing, from the written representations and my inspection of the site and the surrounding area, I consider that there is a single main issue in this case. This is whether the proposed use would have a significantly intrusive impact upon the Chilterns AONB, in respect of its appearance or any noise and disturbance.

7. Chiltern Young Riders was formed about 5 years ago with the aim of providing young children with the necessary skills and discipline to ride motorbikes in safety. You seek a temporary planning permission whereby the proposed new track would be used on alternate week-ends, and on week-days in the summer holidays, in conjunction with your existing track at Chalfont St Peter. Your practice is to run a series of one hour courses between 1000 and 1400 hours, involving in each case 4-6 children, the subsequent 2 hours being devoted to birthday sessions and a maximum of 5 children at any one time. On occasion, up to 3 children who have their own bikes are allowed to join the group sessions. While you cater for a wide age range - from 4 up to 16 - most of those who attend are between 7 and 13.

8. As has been mentioned in paragraphs 4 and 5, there is a general policy presumption against noisy sports in the countryside, particularly where these would involve the AONB. It seems to me, however, that there are special circumstances in this case and arguments in favour of the proposal which need to be balanced against the policy objections.

9. First, the site lies very close to the A41 bypass, a fast dual carriageway which itself is the source of a considerable amount of noise. From the evidence presented, it is clear that the byway BOAT 25 is regularly used by walkers, there being scope for circular walks also involving other tracks. In using the byway, they would pass close to the site entrance, at which point they would be able to see and hear any motorbikes in use. However, any such noise emissions would be experienced against the background of the considerable traffic noise arising from the bypass.

10. Given that this section of the countryside is now far from quiet, I consider it unlikely that the proposed use would

lead to any significant further reduction in the enjoyment of people walking in this area. While there would be some additional vehicular use of the byway, arising from the bringing and collection of children, I believe that the numbers of vehicles involved would be quite low. Given the generous width of the track and the existing noise from the road, I do not think that this traffic would give rise to any significant conflict with walkers.

11. A second factor is the relatively low-key nature of the proposed operation, the number of motorbikes likely to be in use at any one time being quite low (paragraph 7). Also, the bikes would be small, low-powered machines suitable for use by children, the largest of those I saw being demonstrated having an engine capacity of 80cc. While I found the noise from these to be quite intrusive when experienced from close to - particularly when they were being revved up - against the general noise background, I do not think that these small bikes would be a cause of any significant disturbance to users of the byway. In terms of overall impact, I believe that a clear distinction can be drawn between the proposed training track and larger types of track intended for competition use by teenagers or adults riding more powerful and inherently noisier machines.

12. Third, it seems to me that because of the sloping nature of the land and the considerable tree screening, the site is hidden from view from most directions. From the south, east and north, it is completely concealed by the Little Dickshill and Great Dickshill Woods. Its north-western corner can be seen from the byway at some distance to the west, although from closer to the entire site is hidden by the slope of the intervening land. In practice, it can be seen at close quarters only through the site entrance. This leads me to the view that, subject to appropriate conditions regarding, inter alia, the layout of the track, the location of car parking spaces, and the treatment of the field as a whole, the use could be accommodated without any significant detriment to the appearance of this part of the AONB.

13. A requirement of Policy 77 of the Local Plan Deposit Draft is that there should be no disturbance to residential areas. In this case, the site is some distance from any houses, the nearest dwelling being 'Hedgelands', a property which is served from Pea Lane, a narrow track which runs to the immediate east of Little Dickshill Wood. However, in a test which was conducted on my behalf as part of the hearing, I was unable to detect motorcycle noise at that property's boundary, although I became just aware of it further to the south along Pea Lane, at a point close to the edge of the above-mentioned wood. The test involved 4 motorcycles being revved up fully within the north eastern corner of the field, that part closest to Hedgelands.

14. My finding differs somewhat from the result of an earlier demonstration conducted on behalf of the Council's Director of

Housing and Health in which the 6 to 8 bikes then in use were audible at Hedgelands. However, in that case the noise was not felt to be intrusive or at nuisance levels, although it was thought that the introduction of a noise bund at the north-eastern corner of the field would reduce levels further. This leads me to the conclusion that, at the intended levels of use, noise emissions from the types of motorbike to be ridden would not in practice be a cause of any significant disturbance.

15. I have considered 2 further matters, the question of ecological impact and the possible effect upon any archaeological remains. The ecological interest of the area centres upon the surrounding woodlands and the hedgerow which defines the western boundary of the site. These would appear to contain quite a rich variety of species and it is important, in my view, that this diversity and interest is maintained. However, it has been suggested that this could be achieved through a suitable buffer zone just inside the site perimeter. Given this precaution, I feel no reason to believe that the ecological interest of the surrounding areas, including the hedgerow along the western boundary of the site, would be placed under any real threat.

16. On the second of these points, the County Archaeologist has drawn attention to the probability that the site contains archaeological remains associated with a Bronze/Iron Age feature known as 'Grims Ditch'. However, on the basis of your assurance that it will not be necessary to remove any of the existing top soil from the site, he believes that the development could be undertaken without damaging any remains. You have indicated a preparedness to avoid any digging within the area of Grims Ditch and to construct any obstacles that may be needed in this area using topsoil from another part of the field or estate. With this proviso, I consider that the archaeological interest of the site could be adequately protected.

17. To conclude on the main issue, I have reached the view that, with appropriate conditions, the proposed use would not be visually intrusive within this part of the AONB. Also, given the noise background created by the presence of the new bypass, and the relatively small scale of the proposed use, I do not think that it would be a source of any significant additional noise and disturbance. I believe that the circumstances of this case are special and that there is adequate justification for me to allow this appeal on the temporary basis proposed, notwithstanding the weight which I have attached to the cited planning policies. As was canvassed at the hearing in the discussion on conditions, I have decided that the permission I shall grant should run for a 2 year period. Proposals for any subsequent continuation of the use could be assessed in the light of the experience built up over that time.

18. I believe that the considerations which have led me to allow this appeal are reinforced by a further argument, namely that the operation would appear to meet a specific need amongst a substantial number of young people. In this respect, I note that the application received the support of the Council's Director of Community and Leisure as an initiative which would encourage a responsible and controlled use of motorbikes in a supervised environment. Also, 3 other Councils have made use of your services as part of their provision for young people during the summer holiday period.

19. I have taken into consideration the other appeal decision which the Council has cited (Ref T/APP/A1910/A/93/221273/P2). However, it seems to me that the circumstances which led the inspector involved to dismiss that appeal were very different to those now before me. While the proposal also involved a leisure use, from the information available, this would have been more intensive than what is now proposed, entailing, inter alia, floodlighting and team games. Another case mentioned by the Council which would involve the deposition of waste, in my view, has little in common with what is now before me.

20. I have taken into account all of the other matters raised in the representations, including the points raised at the application stage by Hertfordshire Conservation Society and by local residents. However, neither these nor anything else before me are of sufficient weight to override my conclusion based on the main issue.

21. In imposing conditions on a grant of planning permission, I have taken into account those suggested by the Council and the discussion which took place at the hearing. Under the Council's Condition (1), the permission would expire at the end of August 1996. I propose to amend this to enable the permission to endure for a full 2 years or any such longer period as may be agreed in writing by the local planning authority. Conditions (2), (7) and (8) relate to the actual use of the land; they would restrict the running of the track to Chiltern Young Riders, the times of use to those specified by the applicant, and the actual number of motorbikes in use at any one time. It is on the basis of these restrictions that I have judged this proposal to be acceptable and I shall therefore impose conditions on those lines. For the avoidance of doubt, I shall add a further condition restricting the ages of those using the track; this will employ similar wording to one put forward by the Director of Housing and Health.

22. The Council's Conditions (3) and (5) relate to details of track formation and design, including any obstacles and bumps. In my view, the siting and appearance of the track is of special importance, bearing in mind the AONB designation, and merits a suitable condition. Condition (10) seeks to safeguard archaeological remains associated with Grims Ditch. Having regard for the advice in PPG18 ('Archaeology and Planning'), I believe that a condition whereby these can be

preserved in situ, undisturbed by any potentially damaging excavation, is a necessary part of this planning permission.

23. Condition (4) deals with car parking. With the AONB designation in mind, it seems to me that the siting of the car park is particularly important, and I shall therefore impose an appropriate condition. Conditions (6) and (9) address noise emissions and practical means of attenuation. I shall impose a condition regarding noise levels, which will be in accordance with the advice set out in PPG24 ('Planning and Noise'). However, from the evidence available to me, including the demonstration conducted on my behalf, I am not persuaded that an earth bund is needed, at least at this stage.

24. The remainder of the conditions suggested by the Council relate to the protection of hedgerows and trees on the site and supplementary landscaping. Bearing in mind the limited period of this permission, I do not think it would be reasonable to require the applicant to carry out extensive tree and shrub planting works. However, it would be appropriate, in my view, for there to be a buffer zone to secure the protection of the trees and other existing planting around the perimeter of the site. Also, it will be important from a visual point of view to ensure that any land outside that needed for the track is seeded with a suitable grass based mix.

25. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for change of use of land from agriculture to off-road mini-bike track on land between Little Dickshill and Great Dickshill Woods, Shootersway, Berkhamsted, in accordance with the terms of the application (No 4/0495/94) dated 13 April 1994 and the plans submitted therewith, subject to the following conditions:

1. the use hereby permitted shall be discontinued and the land restored to its former condition as agricultural land on or before the expiration of 2 years from the date of this letter or such longer period as may be approved in writing by the local planning authority;

2. this permission shall not enure for the benefit of the land and the use hereby permitted shall cease when Chiltern Young Riders cease to use the land as a 'mini bike' training track or the expiration of this permission whichever is the earlier;

3. the use hereby permitted shall only be carried out between 1000 and 1600 hours on Saturdays and Sundays between the months of September and July inclusive and on weekdays between 1000 and 1600 hours in the month of August;

4. there shall be no more than 10 motorbikes in use at the site between 1000 and 1400 hours and no more than 5 motorbikes in use between 1400 and 1600 hours on the permitted days;

5. apart from the organiser, there shall be an age limit for track users of 16;

* 6. the use hereby permitted shall not take place until details of the siting of the track and of its formation and design, including any changes in ground level, obstacles or bumps, or stakes or fences, have been submitted to and approved by the local planning authority;

* 7. within that part of the site likely to contain archaeological remains associated with the feature known as Grims Ditch, that area to be identified in consultation with the Council and the County Archaeologist, no groundworks should take place below the existing ground surface, including removal of top soil;

* 8. the use hereby permitted shall not take place until details of the siting of the car park and of its construction and layout have been submitted to and approved by the local planning authority;

9. noise emissions from the track shall not cause the background sound pressure level to exceed 50 dB, expressed as an A-weighted L90 over 15 minutes, at the boundary of the dwelling Hedgelands, Pea Lane, Berkhamsted;

* 10. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of seeding treatment for the site which shall apply to all areas which do not form part of the proposed track, and that scheme shall be carried out in the first seeding season following the completion of the track;

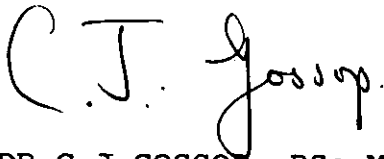
* 11. the trees around the perimeter of the site and the hedgerow along its western side shall be protected during the course of construction of the track in accordance with measures to be submitted to and approved by the local planning authority;

12. there shall be an undisturbed buffer zone a minimum of 5m wide between the outside of the track and the site boundaries.

26. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

27. 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

A handwritten signature in black ink, appearing to read 'C.J. Gossop'. The signature is written in a cursive style with a large 'C' and 'J'.

DR C J GOSSOP BSc MA PhD MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

- Mr S Newell - Chiltern Young Riders,
'Owlets', London Road
East, Amersham, Bucks HP7
9DH.
- Mrs A Newell - Chiltern Young Riders.

FOR THE LOCAL PLANNING AUTHORITY

- Miss F Moloney BA Dip Upi MRTPI - Senior Planning Officer,
Dacorum Borough Council.

INTERESTED PERSONS

- Captain Nigel Hadden-Paton - Rossway Estates

DOCUMENTS

- Document 1 - List of persons present at the Hearing.
- Document 2 - letter of notification and addressees
and response from Northchurch Parish
Council.
- Document 3 - Appendices attached to Miss Moloney's
pre-hearing statement.
- Document 4 - Supplementary information put in on
behalf of the Council's Director of
Housing and Health.
- Document 5 - Letters from Councils making use of the
services of Chiltern Young Riders.

PLANS

- Plan A - Location plan.

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No., 4/0495/94

Chiltern Young Riders
Owlets
London Road
East Amersham
Bucks

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

O.S. Parcel 2562, Land between Little Dickshill Wood and Great Dickshill Wood,
Shootersway, Berkhamsted.

CHANGE OF USE OF LAND FROM AGRICULTURE TO USE FOR JUNIOR OFF-ROAD MINI-BIKE TRACK

Your application for *full planning permission* dated 13.04.1994 and received on
12.04.1994 has been **REFUSED**, for the reasons set out on the attached sheet(s).

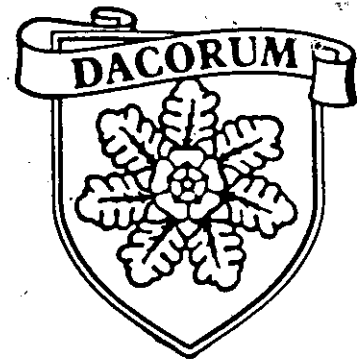
Director of Planning

Date of Decision: 23.06.1994

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0495/94

Date of Decision: 23.06.1994



The adopted Dacorum District Plan and Dacorum Borough Local Plan Deposit Draft and Proposed Modifications show the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance. The proposed use is a noisy countryside sport which would have a detrimental effect on the quiet enjoyment of the countryside. The proposed earth bund and car park would adversely affect the visual appearance of this sensitive setting in the Chilterns Area of Outstanding Natural Beauty.