

Department of the Environment and Department of Transport

Common Services

Room 1310

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 858

Switchboard 0272-218811

GTN 2074



22 OCT 1985

File no. *AP0 2410*
 Date *22 OCT 1985*
 C.O. *2410*

Mr R Page DipTP
 28 Sycamore Avenue
 TAVISTOCK
 Devon
 PL19 9NL

WMB
2/28
3/28
4/28

21 OCT 1985

Your reference			
DEPARTMENT OF THE ENVIRONMENT TAVISTOCK DISTRICT COUNCIL			
Our reference			
Ref	T/APP/A1910/A/85/34494/2		
Date	21 OCT 1985	C.O.	Admin. File
Receive	22 OCT 1985		
Comments			

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MRS P CARLSSON
 APPLICATION NO:- 4/0500/85

- 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 residential development on land off Park Road, Tring.
- I have considered the written representations made by you and by the council and I inspected the site and its surroundings on Monday 23 September 1985. As a result I have come to the conclusion that the main issue is whether there are exceptional circumstances which are sufficient to justify residential development on the appeal site, which is within the Metropolitan Green Belt, and the Chilterns Area of Outstanding Natural Beauty.
- In your grounds of appeal you agreed that the appeal site is within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty, but contended that the character was rather different from the remainder of the land in the area. You also agreed that beyond the eastern Lodge to White Cloud Farm, the northern side of Park Road is the logical limit for Tring, because the land to the south is entirely open. However you pointed out that the appeal site is enclosed by wooded areas on 3 sides, and by the White Cloud Farm buildings to the south, so that its development for residential purposes would have no adverse effect on the area, and it would provide much needed housing.
- Amplifying these points in your letter dated 16 September 1985, you contended that the council's description of the appeal site and its surroundings had been misleading. There was a small paddock, not an open field, adjacent to the western boundary of the site, and to the north-west and south there were residential and agricultural buildings. Again there were not further fields to the east, but there was the eastern Lodge, a residential property, and a new riding school building. You submitted a land-use plan of the surrounding area to support your points.
- You referred to the March 1985 study of housing land availability and suggested that it had revealed a disproportionate supply of land for the areas of Hemel Hempstead, Berkhamstead and Tring, with a need for more land in Tring. You also claimed that the review of the County Structure Plan had identified a need for more housing land, and you calculated that up to 287 more dwellings might be required in Tring. Finally you contended that new development would inevitably encroach into the Green Belt land around Tring, and the development proposed on the appeal site would be particularly appropriate because it would be within a 'built environment', where it would have little impact either on the Green Belt, or the Area of Outstanding Natural Beauty, and be screened by existing trees.

6. During my visit I noted the character and setting of the appeal site with the triangular wooded area along parts of its northern boundary up to its north-east corner; the tree screen along the remainder of the northern boundary; and along its eastern and western boundaries. From within the site I could see the 2 bungalows adjacent to the north-west corner, the White Cloud Farm buildings to the south, and the riding school building to the east. I agree that there is a paddock adjacent to the western boundary, and I also noted 'White Cloud' Farm House to the south-west; an isolated bungalow further west, and Woodlands Close beyond. In addition I noted the eastern Lodge near to the north-east corner of the site, and the riding school building to the east.

7. However apart from the extensive range of old farm buildings to the south, and the 2 bungalows to the north-west, the other buildings within the Green Belt boundaries, in the vicinity of the appeal site, appeared to me to be very scattered and isolated, so that I do not share your view that the site lies within a 'built environment', or that residential development upon it could reasonably be regarded as infilling.

8. On the contrary it appeared to me that the site is typical of many areas of land along the edges of the Green Belt where there is often some scattered development, much of it having been in existence for many years. Whilst I agree that the site is well screened from a number of viewpoints, this is again quite typical of the varied character of the types of land which make up the Green Belt, and Areas of Outstanding Natural Beauty. I believe the appeal site with its trees and paddock-like character, makes a most attractive and significant contribution to the visual amenity of this particular part of the Green Belt.

9. Furthermore the fact that the appeal site is within the approved boundaries of the Metropolitan Green Belt, where further development is very severely restricted, appears to me to be of paramount importance. Structure Plan Policy No 2, to which the council referred, makes it quite clear that in Green Belt land, "permission will not be given, except in very special circumstances, for development for purposes other than ... agriculture ... and other uses appropriate to a rural area". Policy No 1 of the District Plan sets out the council's policies regarding development within the Green Belt in similarly restrictive terms.

10. Although you contended that the proposal would not conflict with the general policy contained in Circular 22/80, paragraph 4 of this circular emphasises that: "The Government continues to attach great importance to the use of Green Belts ... and there must continue to be a general presumption against inappropriate development within them". Very similar advice is given in Circular 14/84, and as the council pointed out, Circular 15/84 also emphasises that "there is no change in Government policies relating to the Green Belt and Areas of Outstanding Natural Beauty". It also states that: "in meeting requirements for new housing, full and effective use must be made of land within existing urban areas". Moreover it repeats the advice given in Annex A to Circular 22/80 which in paragraph 17 states that: "Expansion of a town into the surrounding countryside is objectionable on planning grounds if it ... conflicts with national policies for the protection of the environment such as those for safeguarding Green Belts ...".

11. I have considered the points you made regarding the need for more housing land in Tring, which appear to conflict, with the council's contention that it has been agreed that a 5 year supply of housing land is available within existing urban areas, and that there is "no need for further sites, such as the appeal site, to be allocated for residential development in Tring". In their letter dated 1 October 1985 the council also explained that "the provision of an additional 1250 dwellings included in the Structure Plan Review is to be found within existing settlements". In any case paragraph 3 of Annex A to Circular 22/80 emphasises that even where there is an absence of an identified five year supply there may be "clear planning objections which outweigh the need to make the land available for housing". It cites as examples "land in a green belt, national park, a area of outstanding natural beauty". I believe therefore that there is a clear planning objection in this case.

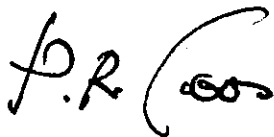
12. I have also considered your contention that the permission granted, on appeal, for the 2 bungalows adjacent to the north-west corner of the site, created a precedent for development within the appeal site. However it appears that that permission was granted some 10 years ago before the site was formally included within the Metropolitan Green Belt boundaries. The site of the bungalows also adjoins Park Road, which the inspector described as having an "almost entirely built-up appearance". He also considered that the site made "very little contribution to the visual amenity of the countryside". On the other hand I believe that the appeal site is very different, and that with its paddock-like character, and mature trees, it does make a significant contribution to the visual amenity of the countryside. Moreover it is not only within an Area of Outstanding Natural Beauty, but within the Metropolitan Green Belt, so that I do not consider that the permission granted for these 2 bungalows, some years ago, creates any precedent for development on the appeal site.

13. Furthermore your contention that a precedent was created by the permission for the 2 bungalows, reinforces my conviction that if permission were granted for residential development on the appeal site, it could easily be claimed, in the future, that the appeal proposal had itself created a further precedent, and make the council's efforts to preserve the generally open character of the Green-Belt land between Park Road and the by-pass, far more difficult to achieve, particularly as these Green Belt boundaries have only been recently approved. I am therefore satisfied that no special circumstances have been advanced which are sufficient to justify granting planning permission for residential development on the appeal site.

14. I have considered all the other matters raised, including the appellant's willingness to retain existing trees, and to carry out any landscaping scheme which might be required, but I am of the opinion that they are outweighed by the considerations which have led me to my decision.

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

I am Sir
Your obedient Servant



P R GIBBS MA AADip RIBA
Inspector