

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To J B Waterton executor to
the late Miss P Waterton
Hope Mansell, Ross on Wye
Herefordshire

A E King
Dovecot Barn
Alder Park Meadow
Long Marston
Tring

DETACHED HOUSE

at LAND ADJACENT "AVON" HEMPSTEAD LANE, POTTEN END

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 31 March 1990 and received with sufficient particulars on 2 April 1990 and shown on the plan(s) accompanying such application.

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

1. The site is 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.
2. The proposal conflicts with Policy 4 of the Dacorum District Plan which restricts development within Potten End to that essentially appropriate to the rural area.
3. The proposed dwelling by reason of its size and bulk would appear cramped and squeezed in and would affect adversely the visual character of the area.
4. The proposed development by reason of its proposed siting in relation to No 2 Hempstead Lane would prove detrimental to the visual amenity at present enjoyed by occupants of the adjacent bungalow and No 2 Hempstead Lane.

Dated 21 day of June 1990

Signed

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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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Department of the Environment

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B/519/SM/P

[Handwritten signatures and initials]
GFB

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Dovecot Barn
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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL					
GIN 1374					
Ref.			Ack.		
C.P.O.	T.C.P.M.	D.P.	D.C.	D.U.	Admin.
Received				Date	
8 APR 1991					
Comments					

Your reference

Admin. Our Reference

T/APP/A/910/A/90/164408/P8

- 5 APR 91

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR J B WATERTON
APPLICATION NO:- 4/0526/90

1. 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 a detached house on land adjacent to Avon, Hempstead Lane, Potten End. I conducted a hearing into the appeal on 12 March 1991.
2. From my inspection of the site and its surroundings and from the submissions made I consider that the main issues in this case are first whether there are any very special circumstances to justify an exception to the strong policy designed to resist inappropriate development in Green Belt locations, secondly the effect of the development on the appearance of the area and thirdly the implications for neighbours' living conditions with particular reference to outlook.
3. It was agreed at the hearing that the site lies within the Metropolitan Green Belt. The strategic policies applicable to the site are set out in the approved Hertfordshire County Structure Plan where policies 1 and 51 explain that within settlements in the Green Belt (apart from those specified in policy 50) residential development will be restricted to the needs of agriculture, forestry, leisure and local services. These policies are repeated at policy 4 of the adopted Dacorum District Plan and developed in policy 5 which sets 4 site criteria to be satisfied by any development in Green Belt settlements (including Potten End) in addition to meeting policy 4.
4. The Council do not dispute that the erection of one house on the site could meet the 4 relevant criteria but contend that your client's proposal would not meet the strict test of policy 4 in that the proposal is not intended to meet an identified local need. They consider that any available housing sites in Potten End should be reserved for such purposes so that essential local development does not need to extend the settlement into the surrounding countryside. You have suggested that because no such planning applications have come forward at Potten End in the last 10 years the policy is outdated and should be relaxed.
5. It is government policy, expressed in Planning Policy Guidance Note (PPG) 12, that an up-to-date local plan which is consistent with national and regional policies and with the relevant policies of the Structure Plan will carry considerable weight in determining planning appeals. National policy on Green Belts is most recently set out in PPG 2 where paragraph 13 lists development which will be

100%



RECYCLED PAPER

acceptable in Green Belts. This list does not include residential infilling within settlements.

6. I consider that the site is capable of accommodating a dwelling but in view of the strict policy contained in PPG 2 I believe that the Council are justified in resisting the development of the site unless it is required for essential local needs. Although the Council did not dispute your contention that no such proposals had come forward in Potten End in recent years, they did cite relevant examples in other Green Belt villages. I do not regard the absence of a similar case in Potten End as necessarily justifying the release of the site for general residential use. Such a course of action could result in a later proposal for a dwelling for local needs creating an incursion into the countryside which would conflict with the objectives of Green Belt policy listed at paragraph 4 of PPG 2. There seem to be very few sites in Potten End where a house could be acceptable and none were cited at the hearing, so that I believe it is especially important that a scarce site be retained for local needs. I conclude that there are no special circumstances in this case to justify an exception to Green Belt policies designed to resist inappropriate development.

7. I turn now to the matter of the appearance of the proposal. The site is visible from the eastern part of The Green and I consider it important that any house should have a pleasing and appropriate design. The Council however are concerned that the proposal would appear cramped. The plot has dimensions similar to many of those along this side of Hempstead Lane and the dwelling would be sited on a building line compatible with those of adjacent properties. In view of the proposed separation of the house from the side boundaries, the single storey element on the west side and the existence of the access way alongside the eastern boundary of the plot, I do not consider that the house would appear cramped on its site or in relation to the adjacent dwellings. The house has been designed in the style of a small Victorian villa and to my mind is well proportioned and quite acceptable for this site. I conclude therefore that the proposal would not adversely affect the appearance of the area.

8. Lastly I deal with the effect of the proposal on neighbours. It was agreed at the hearing that the word "and" was superfluous in the fourth reason for refusal and that the Council consider that the only property which would be affected is No 2 Hempstead Lane. I saw that this dwelling is a chalet bungalow with a large dormer window in the side elevation facing the appeal site. However, the window lies about 3 m in from the side boundary, there is an intervening access way and footpath of 3 m in width to the appeal site, whilst the proposed house is also sited about 3 m from the side boundary. The distance between the dormer window and the proposed house would therefore be about 9 m which I consider is sufficient separation to ameliorate any effect on the outlook from that window. I conclude that the proposal would not adversely affect neighbours' living conditions to such an extent that the appeal should be dismissed on that ground.

9. In summary therefore whilst I do not consider that the proposal would adversely affect the appearance of the area or neighbours' living conditions to a significant extent, I do not believe that there are any special circumstances to override the normal restrictive policies applicable to housing in the Green Belt.

10. I have taken into account all the other matters raised in the submissions, including your comments about the housing chapter of the District Plan and the appeal decision at Fieldway, Wiggington (APP/A1910/A/88/94227). However in that case the Inspector considered that an exception could be made to policy 4 because the small houses proposed could be considered to be meeting a local need generally and that other sites could be found in Wiggington to meet any special local needs.

These factors do not apply in this case and I do not find any reason to outweigh the considerations that have led me to my conclusion.

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

I am Sir

Your obedient Servant

D. J. Mumford

D J MUMFORD BA MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

Mr A E King BA BPL MRTPI

- Agent.

Mr J B Waterton

- Appellant.

FOR THE PLANNING AUTHORITY

Mr A E Markham BA MRTPI

- Senior Planning Officer, Dacorum
Borough Council.

DOCUMENTS SUBMITTED AT THE HEARING

Document 1 - List of persons present at the hearing.

" 2 - Letter of notification of the hearing.

" 3 - Extracts from Housing Chapter of Dacorum District Plan.

" 4 - Advertisement for building plot at Aldbury.

" 5 - Statement of Mr J B Waterton.

DRAWINGS SUBMITTED AT THE HEARING

Drawing 1 - Coloured perspective drawing of proposed house.