



Department of the Environment and
Department of Transport

Common Services

Room Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
29901					
C.P.O.	D.P.	D.C.	Direct line 0272-218-892	File No.	
			Switchboard 0272-218811	Refer to	C.P.O. 19/6
			GTN 2074	Closed	
Received			19 JUN 1987		
Comments			Your reference		
			Our reference		
			T/APP/A1910/A/86/059921/P5		
			Date		

CHIEF EXECUTIVE OFFICER
19 JUN 1987
File No.
Refer to
Closed

Mrs Y E Rance
Honorary Secretary
Potten End Royals Netball Club
64 Greenway
BERKHAMSTED
Herts HP4 3LF

4/0532/86
17 JUN 87
3) RHODA

Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/0532/86

1. I have been appointed by the Secretary of State for the Environment to determine the appeal by your club, which is against the decision of the Dacorum Borough Council to refuse planning permission for the formation of 2 netball courts, with hard-surfaces, fencing and floodlighting, at Kitcheners Field, Castle Hill, Berkhamsted.
2. From my accompanied inspection of the site and surroundings on 16 March 1987, and from my consideration of the written representations made by you, the local planning authority, and interested persons, I am of the opinion that the decision in this appeal rests primarily on whether the proposed development would affect the character and appearance of the landscape on the northern side of Berkhamsted and, if approved, be likely lead to other proposals for additional sporting facilities which would be difficult to refuse logically.
3. The cricket ground on which your club wish to erect the netball courts was permitted by the Secretary of State for the Environment in 1982 after the matter had been referred to him for decision instead of being dealt with by the local planning authority. In granting the permission for the use of the land, and for the erection of a pavilion with a car park, he imposed a condition which prevents the ground from being used for any sport other than cricket. This restriction was clearly the result of a considered judgement on the importance of preserving the existing rural character and tranquility of the area for the various reasons given in the very strong representations made by local persons at the inquiry that was held, and their fears about the possibility of a major sports complex being gradually built up if facilities for any form of sport whatsoever were permitted. The fears of local residents have led to equally strong objections to your proposal as, apart from the effects of the increased use of the facilities in connection with the proposed sport itself, it is thought that if such a use were permitted it would encourage yet further applications, particularly in respect of the adjacent privately run sports ground located on the south east side of the appeal site which already has facilities for cricket, soccer, including a floodlit 5 a side pitch in front of the pavilion,

tennis - 3 hard courts, and a pitch and putt golf practice area. It uses the same access track from Castle Hill.

4. I note that the council did not oppose the application for the creation of the cricket ground, but on this occasion they are of the view that the construction of the proposed hard-surfaced area, the erection of the chainlink fence, and the provision of floodlighting would amount to a major visual intrusion, both during the day and at night, which would be out of keeping with the character of the surroundings, and harmful to the appearance of the landscape.

5. It may be argued that the small facility being proposed would only have minimal effects, especially if there were no fence round the court and no permanent floodlighting were installed, as you would now accept, but when viewed from higher surrounding public vantage points even the small hard-surfaced area and activity generated would adversely affect the existing rural tranquility and appearance of this attractive and sensitive part of the countryside which is part of the green belt, and within the Chilterns Area of Outstanding Natural Beauty and an Agricultural Priority Area where there are policies aimed at preserving the landscape. In recommending that permission be granted for a cricket ground after the inquiry in 1981, the inspector stressed that cricket, on a small town scale, would have little harmful effect on the tranquility and natural beauty of the area, and permission was granted solely on that basis with the full agreement and concurrence of the appellants at that time. Nothing has happened subsequently to alter this assessment, but the playing of any other sports would, in my view, be likely to have more noticeable and harmful effects. I appreciate that the Berkhamsted Sports Ground Association, who own the ground, fully support your application as they do not consider the use would conflict with their intention stated at the inquiry into the previous application to "make every effort to preserve the pastoral scene" and limit the impact of the development by accepting the use of the ground for cricket only. However there is, in my view, substance in the argument that in this case your proposal could be the "thin end of the wedge" which makes it necessary to consider very carefully whether any other sports use whatsoever should be permitted, bearing in mind the great difficulty of logically and equitably refusing permission for any further such proposals in respect of the cricket ground and/or the adjoining sports field if they should be made.

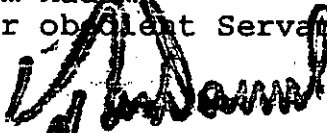
6. I can appreciate the problems your club has faced over the years in finding satisfactory permanent facilities to play home matches and offer suitable hospitality to visiting teams, as well as having adequate training facilities that can be used after dark in the winter, and I would certainly not consider the sport should be given any less priority than others. In most circumstances I would have had no hesitation in granting planning permission for your proposal, but the sports ground in question was permitted solely for a specific purpose in the light of its assessed effects, and it does not seem to me justified only a relatively short time later to ignore the condition imposed when permission was granted, at least at this stage.

7. I note that the council are intending to provide floodlit, hard-surfaced, netball courts at Ashlyns School, Berkhamsted in the near future, which they state would be available to your club. Although it is not their policy to provide facilities for the exclusive use of a private club, I would hope that you might be able to come to an acceptable arrangement, including being able to entertain visiting teams.

8. I have examined all the other matters raised in the written representations, but there is nothing of sufficient substance to outweigh those considerations that have led me to my decision that it is necessary to refuse planning permission for the proposed development in order to safeguard the rural tranquility and appearance of this area of outstanding natural beauty. It would also make it difficult to refuse logically other proposals for further sports facilities.

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

I am Madam,
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'J M Daniel', is written over the typed name and title.

J M DANIEL DFC FBIM
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

AJP

DACORUM BOROUGH COUNCIL

To Potten End Royals Netball Club
 Kitchener's Field
 Castle Hill
 Berkhamsted
 Herts

Mr A P Draper
 21 Ashlyns Road
 Berkhamsted
 Herts

..... Formation of hard surfaces with floodlighting

at .. Kitcheners Field, Castle Hill, Berkhamsted

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 26th March 1986 and received with sufficient particulars on 16th April 1986 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 adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policies of the local planning authority seek 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 of such development. The proposal is unacceptable in the terms of these policies.
2. The proposed development would constitute a serious visual intrusion into an area of sensitive landscape adversely affecting its character.

Dated : 5th day of June 19 .. 86 ..

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 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.