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SW7 1DL

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00554/98/FUL

DEER LEAP SWIMMING POOL, RINGSHALL, LITTLE GADDESSEN,
BERKHAMSTED, HERTS, HP4 1PE
4NO DETACHED DWELLINGS

Your application for full planning permission dated 26 March 1998 and received on 27 March 1998 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 23 July 1998



The Planning Inspectorate

cc JAG T2
HH AS

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Your Ref: ---

RMP/RXL003

Our Ref:

T/APP/A1910/A/98/1014167/P2

24 MAR 1999

Date:

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY ROXYLIGHT GROUP SERVICES LIMITED
APPLICATION NO: 4/00554/98/FUL**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of 4 detached dwellings at Deer Leap Swimming Pool, Little Gaddesdon Road, Ringshall. I have considered all the written representations together with all other material submitted to me. I inspected the site on 15 March 1999.
2. The appeal site is within a rural area, and within the Chilterns Area of Outstanding Natural Beauty (AONB). Part of the site is also within the Ringshall Conservation Area. Therefore, from my inspection of the site and its surroundings, and from the representations made, I consider there to be two issues. These are firstly the justification for the appeal proposal in the light of policies which seek to control residential development in rural locations. Secondly, the impact of the appeal proposal on the character and appearance of both the AONB and the Conservation Area.
3. The Town and Country Planning Act 1990 requires me to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan in this instance comprises the Hertfordshire Structure Plan Review 1991-2011, and the Dacorum Borough Local Plan. The Council have made reference to a number of policies within both documents. Those in the Structure Plan provide strategic guidance. Consequently, in the context of both the above issues and the Council's determination of the planning application, I consider the following more detailed Borough Local Plan policies germane to this appeal.
4. Policy 5 details uses acceptable in the rural area; proposals for building development will not normally be permitted, except in selected small villages. Those villages are listed in Policy 6. With regard to quality of development, Policy 8 establishes criteria which ensure a high standard in all development proposals. Similarly, Policy 90 establishes criteria pertaining to development within the Chilterns Area of Outstanding Natural Beauty, whilst Policy 110 provides guidance regarding development in Conservation Areas.

5. The Council have also drawn my attention to policies within the Dacorum Borough Local Plan 1991-2011 Deposit Draft, which has recently concluded its 'on deposit' period. Whilst a number of these policies are either similar to or carried forward from those within the extant Local Plan, this emerging Local Plan is at an early stage within the adoption process. Therefore, in accordance with advice within paragraph 48 of Planning Policy Guidance (PPG) 1 (Revised) - General Policy and Principles, I will afford it little weight.

6. Both parties have made reference to guidance in the aforementioned PPG1, PPG3 - Housing, PPG7 - The Countryside - Environmental Quality and Economic and Social Development, and PPG15 - Planning and the Historic Environment. The Council have also made reference to PPG12 - Development Plans and Regional Planning Guidance, whilst you have made reference to RPG9 - Regional Planning Guidance for the South East. I am also mindful of the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

7. The appeal site is located between the settlements of Ringshall and Little Gaddesden, close to the junction of the C67 Little Gaddesden Road and the B4506 Northchurch Road which abut the northern and western site boundaries respectively. An irregular shaped parcel of land covering some 1.7 hectares, it is currently used as a swimming pool complex. Access is from Little Gaddesden Road, with the building set back some 30 metres behind a parking area. Facilities include an open air pool, sun terrace, paddling pool, changing facilities, toilets, an office and a shop. To the south of the pool, and at a lower level, is a sheltered sunbathing lawn screened by mature rhododendron bushes. The southern part of the site is more informal, featuring deciduous woodland and scrub, and a seasonal pond. Some 55 metres of the western portion of the appeal site, adjacent to the B4506, is included within the Ringshall Conservation Area.

8. I am aware of the planning history of the site. Of relevance to this appeal, this includes a 1989 outline application for the erection of two dwellings, and a 1991 application for squash courts, changing rooms and associated works. Both applications were dismissed on appeal. In 1993, whilst the extension of the pool complex to provide squash courts was allowed on appeal, these works have not been implemented.

9. Your client proposes to demolish all existing structures on the site, and erect 4 no. five bedroom detached dwellings. The existing access from Little Gaddesden Road would be re-used, and improved as necessary. Whilst a number of trees within the appeal site are included within a Tree Preservation Order, they would not be affected by the proposals before me. Therefore, I do not consider that this appeal raises issues pertaining to the Tree Preservation Order. Similarly, reference has been made to Deer Leap Lodge, which is listed Grade II and which forms part of a garage complex to the north west of the appeal site. I am aware that planning permission has been granted for the residential development of the garage site. Therefore, having regard to the location of the listed building and the approved intervening residential development, I do not consider that this appeal raises issues pertaining to the setting of the listed building.

10. With regard to the first issue, you contend that the existing complex is no longer viable, and that if redevelopment is not permitted, there is a serious prospect that the site will become vacant and derelict. You consider that residential development of the site could contribute to the overall housing provision of the Borough. Also, by virtue of the approved

development of the adjacent garage, the principle of residential development in the area has been established.

11. In the context of the viability of the existing complex, you confirm that the appeal premises are still operational. You also contend that it attracts people from very long distances by car and causes congestion on busy summer days. Consequently, I find comparisons between the pool's viability, and the traffic problems, somewhat contradictory. Whilst reference is made to the site being on the market since 1992, I have no details before me of any sales particulars, or any response. I accept that facilities associated with swimming are now generally significantly different from those available at the appeal site, which was established in the 1930's. However, I am mindful of the 1994 approval for squash courts, although this is now time expired and any subsequent application must be determined by the Council. Whilst I note your comments regarding finance for such development, I consider that it illustrates an option for additional activities on the site. Consequently, and being mindful of the continuing operation of the existing facilities, I am not convinced that there is no longer a viable recreational use for the appeal site. Indeed, with regard to possible closure, I echo the comments of my colleague, who in 1989 stated that you do not need planning permission to close the swimming pool enterprise, and it is open to you to take this course of action should you choose to.

12. Having regard to the proposed dwellings, Little Gaddesden and Ringshall are not included in the list of small villages referred to in Policy 6 of the Borough Local Plan, where small scale development for housing, employment or other purposes would be permitted. However, you contend that the appeal proposal would contribute to a shortfall in the five year land supply for housing within the Borough. Whilst this may be so, to my mind the appropriate arena to debate housing land allocation is in connection with the emerging Dacorum Borough Local Plan 1991-2011.

13. With regard to a precedent having been established for housing development in the area, it is not within my remit for me to comment on the decision of the Council when approving the redevelopment of the adjacent garage site. Nor do I have sufficient information before me to illustrate that such development would be directly comparable with the proposal before me which, in any case, must be determined on its merits. Therefore, whilst I accept that in some respects this issue is finally balanced, I am of the opinion that for the above reasons there is no overriding justification for the appeal proposal in the light of policies which seek to control residential development in rural areas. As such, it would not accord with Borough Local Plan Policies 5 or 6.

14. Turning now to the second issue, to my mind the appeal site occupies a visually important location between the settlements of Little Gaddesden and Ringshall. I consider that the overall pleasing character of the area arises from the formal but nevertheless attractive setting of the estate village to the west of the B4506, together with the groups of trees and areas of woodland which principally extend in a southerly direction on either side of this highway. As stated, the appeal site contains the existing pool buildings. However, by virtue of their single storey height, the local topography and the aforementioned trees and shrubs, I do not consider that they are prominent features in the landscape. Indeed, they are barely visible from the B4506. Therefore, and notwithstanding the aforementioned pool buildings, I am of the opinion that the appeal site makes a significant contribution to the overall sylvan and rural character of the area.

15. I take the view that this character would not be maintained by the appeal proposal. The substantial two storey dwellings on plots 2, 3 and 4 would extend development into currently open land. Whilst their visual impact would no doubt be reduced to an extent by both existing and proposed trees and shrubs, nevertheless I consider that the dwelling on plot 3 would remain clearly visible from the B4506 Northchurch Road. Similarly, the properties on plots 1 and 4 would also be visible from the C67 Little Gaddesden Road.

16. When determining the appeal pertaining to the 1989 outline planning application for two dwellings, my colleague concluded that the proposal would represent consolidation of the present sporadic development in Ringshall, and further urbanisation of this essentially rural area, to the serious detriment of the appearance and character of this part of the Chilterns Area of Outstanding Beauty. I am of the opinion that for the above reasons such a conclusion is equally, if not more so, pertinent to this appeal.

17. As described in paragraph 7, the western portion of the appeal site lies within the Ringshall Conservation Area, thereby contributing to the attractive rural setting of the aforementioned estate village. Of simple and unpretentious design, the majority of these properties form a compact straight line of development, whose axis is almost north/south. The dwelling on Plot 3, which would be located to the east of the B4506, would be within this western portion of the Conservation Area. This would result in a building which, by virtue of its size, location and orientation, would be visually unrelated to the scale and form of the existing development; a situation which I consider would be detrimental to the overall tenor of the Conservation Area.

18. Consequently, for the above reasons I am of the opinion that the appeal proposal would be harmful to the character and appearance of both the Chilterns Area of Outstanding Natural Beauty, and the Ringshall Conservation Area. As such, it would not accord with the main thrust of Policy 8, and Policies 90 and 110. I have not been made aware of any material considerations which would indicate otherwise.

19. I have had regard to the conditions suggested by the Council, but in the light of the above judgements, I do not consider that they would render the appeal proposal acceptable. I am aware that the south western part of the appeal site is within the northern boundary of Ashridge Park, a Grade I registered park within English Heritage's Register of Parks and Gardens of Special Historic Interest; this adds weight to my deductions. I have also taken note of the desire of Ashridge Management College to restore the original vistas within this landscape. I have taken into account all other matters raised, but have found nothing which would outweigh the main considerations which have led me to my conclusion.

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

Yours faithfully



Roger P Brown DipArch DipTP ARIBA MRTPI
Inspector

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00554/98/FUL

Date of Decision: 23 July 1998

- 1. The site is within a rural area beyond the Green Belt on the adopted Dacorum Borough Local Plan wherein permission will only be given for uses 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 adopted Dacorum Borough Local Plan shows 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 of buildings. The proposed development would result in the further urbanisation of this essentially rural area, and by virtue of the use of inappropriate materials, siting and design it would be to the serious detriment of this part of the Chilterns Area of Outstanding Natural Beauty.**
- 3. The site is at a key point between the village of Little Gaddesden and the settlement of Ringshall. The importance of the site is recognised by its partial inclusion in the designated Conservation Area of Ringshall. The proposed development by virtue of its form, siting and design would have a seriously detrimental effect on the character of the rural area in general and the character and appearance of the designated Conservation Area.**