

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0555/91

Mavis Ann Foy
26 Goldfield Road
Tring
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

Land south of Lower Icknield Way, Wilstone Green, Wilstone, Nr Tring

REPLACEMENT OF TWO BUILDINGS WITH DETACHED DWELLING & GARAGE (OUTLINE)

Your application for *outline planning permission* dated 19.04.1991 and received on 25.04.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

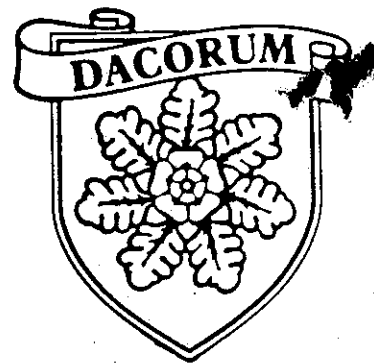
Director of Planning

Date of Decision: 24.06.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0555/91

Date of Decision: 24.06.1991



1. The site is within a rural area beyond the 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 special circumstances are claimed and the proposed development is unacceptable in the terms of this policy.
2. The construction of a dwelling on the site would have a detrimental effect on the rural character and appearance of the locality.



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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.			Your reference			
DoP	T.C.P.M.	D.P.	D.C.	D.C.	Ack.	Our reference
					Admin.	File
Received			Date			
17 MAR 1992						
Comments						

APP/A1910/A/91/195332/P4

13 MAR 1992

Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO:- 4/0555/91

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 outline planning permission in respect of an application for the replacement of two buildings with a detached dwelling and garage on land south of Lower Icknield Way, Wilstone Green, Wilstone, near Tring. I have considered the written representations made by you and by the Council, also those made by the Parish Council, including those made directly to the Council and forwarded to me. I inspected the site on 27 January 1992.
2. From my inspection of the site and surroundings and consideration of the representations received I consider the main issues in this case are whether the proposed dwelling would be acceptable in this location having regard to the Council's rural area policy and the effects of the development on the rural character of the area.
3. The appeal site is set back from Lower Icknield Way behind a public footpath, which also runs along its south-western boundary and links up with the high level footpath running along the rim of the reservoir. The site is currently occupied by two single storey unattractive buildings in mainly timber and corrugated steel which have been patched up and had panels replaced over the years. To the north-west of the appeal site is a boarded up brick cottage in separate ownership. A building which was sited at the rear of this cottage has been burnt down and tiles and slates have been removed from the boarded up cottage and the adjoining single storey building.
4. In coming to its conclusions the Council has relied on the provisions of the Hertfordshire County Structure Plan, and the Draft Dacorum Borough Local Plan published as a consultation draft in 1990 and revised and placed on deposit on 15 July 1991. Policy 47 of the Structure Plan requires that Councils not only protect the rural area from the impact of individual proposals but also from the cumulative effects of such development. Policy 63 of the Local Plan requires strict control over all forms of residential development in the countryside. The appeal site lies within the rural area where selected uses only are normally accepted. The village of Wilstone has been identified as suitable for small scale development.



5. The appeal site is well outside the village boundary and I have had regard to the new Planning Policy Guidance Note 7 which provides national guidance on development in rural areas. This advises that the filling of small gaps within a small group of houses may be acceptable, depending upon the character of the surroundings. Otherwise, special circumstances, such as the need for farm workers who must live at or near their place of work, continue to be necessary to justify isolated new houses in the countryside. I believe that if people were free to build houses wherever they wished in rural areas, dwellings would soon be dotted all over the countryside and strung along roads. In the open country, therefore, new houses should not normally be permitted unless there is a special need and this would equally apply to areas where there are already a few scattered buildings.

6. The appeal site is well outside the settlement at Wilstone. There are a few scattered buildings in the locality but the proposal would not fall within the category of infilling within an established group of houses; it would in my view merely be an addition to loosely scattered buildings in the countryside. I believe the new dwelling would be an urban intrusion, both as seen from the highway and from public footpaths in the vicinity, to the detriment of the rural character of the area. Furthermore, it would cause harm to the Council's policy to strictly control isolated residential development and would be prejudicial to the aims of Policy 63 of the Local Plan.

7. The existing buildings on the site are not attractive but I do not believe this to be a criterion for permitting sporadic development in the countryside unsupported by local need. There are numerous unattractive sites within rural areas and the cumulative effect of allowing houses on them would be severely detrimental to the character of the countryside, by permitting development unrelated to acceptable rural enterprise. In my view this would markedly erode the rural character that national and local policies seek to preserve.

8. With regard to special circumstances you have stated that there were some six cottages on the site at the turn of the century and you pointed out that the floor and part of the walls remain as a base for one of the existing buildings. I do not consider that the replacement of dwellings which existed so long ago is a criterion for permitting what would now be an addition to sporadic development in the countryside. The Structure Plan and the Local Plan have laid down the principles under which development would be permitted in rural areas, and the replacement of dwellings demolished well before planning controls were adopted does not form the basis of any policy for the acceptance of development in the countryside.

9. Although you consider that the circumstances in this case are similar to those at the Old Poultry Farm at Wilstone, in that both sites contain unsightly buildings and are unsuitable for most forms of agriculture, I do not share this view. The development of the poultry farm was accepted by the Inspector as a logical extension to existing development in that it was close to the village centre. There is no such similarity with the appeal site which is an isolated parcel of land well away from the village.

10. You have raised the issue of a farm shop being allowed to extend but farm shops by their very definition are acceptable in principle in rural locations, and it is for the Local Planning Authority to

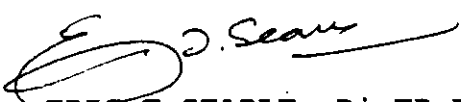
consider the size and impact of them. I note that you have mentioned the planning permission for a cattery, granted after some local controversy, but again such a special use does not fall within any primary land use category and needs to be dealt with on the merits of the case. A cattery is often better sited in a carefully chosen rural location to avoid nuisance to neighbours which would be likely to occur in a more built-up area.

11. In summary, although untidy and containing somewhat unattractive impermanent type buildings, I consider the site, if not the buildings, makes a positive contribution to the open rural area. In my view the development proposed would cause substantial harm to the rural area policy adopted by the Council, and there are no special reasons, either related to the particular circumstances of this case, or by the precedents you have referred to related to other sites, to warrant a departure from the strict controls over development in the countryside.

12. I have considered all other matters raised, including that the site would be improved by landscaping in connection with the proposed house, but these do not outweigh the factors which have led me to my conclusions.

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

I am Madam
Your obedient Servant


ERIC T SEARLE DipTP FRTPI FIAS MBIM
Inspector