

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr P J D River
2 Nursery Terrace
Potten End
Berkhamsted

....NEW VEHICULAR ACCESS.....
.....
at FIELD NO 0067 SOUTH SIDE, NETTLEDEN ROAD NETTLEDEN.....
.....

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 Undated and received with sufficient particulars on 17 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)

Having regard to the difference in height between the field and the road, the proposed access would result in the loss of a considerable length of hedgerow and a number of trees in order to provide a satisfactory gradient and visibility sight lines, and this would have a seriously harmful effect on the rural appearance of the locality.

(2)

The provision of an additional access point off Nettleden Road would be detrimental to highway safety.

Dated 14 day of June 1990

Signed

W. B. Marshall

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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PLANNING DEPARTMENT						DACORUM BOROUGH COUNCIL	
P.P.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	Ack.
Received				15 MAR 1991			
Comments							

Your reference

Our reference

T/APP/A1910/A/90/172498/P3

Date

14 MAR 91

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPLICATION NO: 4/0583/90

- As you know, 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 planning permission for access to field at OS No 0067 on the south side of Nettleden Road, Nettleden. I have considered the written representations made by you and by the Council and also those made by the Nettleden with Potten End Parish Council and by interested persons. I inspected the site on 18 February 1991.
- From my inspection of the site and its surroundings and from the written representations made, I consider that the principal issues are firstly, whether there are any special circumstances sufficient to override the presumption against inappropriate development in the Green Belt, and secondly, whether the proposal would be detrimental to highway safety.
- The appeal site constitutes a proposed access directly from Nettleden Road to your paddock of about 1.8 ha, which lies to the south of the highway. The existing access is situated over 100 m to the east of the appeal site and is shared with another user. Access is gained at present by crossing the northern end of the neighbouring paddock, along a right-of-way. Along the southern boundary of the highway where it abuts your paddock, there is a steep rise by way of an embankment on which there is a substantial thick hedge. At its northern boundary, your paddock is about 3/4 m above the highway and the paddock then rises steadily towards the south. Your paddock is one of 5 paddocks into which the land to the south of the highway was divided some years ago.
- The Hertfordshire County Structure Plan 1986 Review provides (Policy 2) that within the designated Chilterns Area of Outstanding Natural Beauty inter alia the preservation of the beauty of the area will be the prime consideration. The Dacorum District Plan provides (Policy 4) that development will not normally be permitted within the Metropolitan Green Belt, other than for essential uses such as agriculture or similar uses.
- Turning to the first issue, the appeal site forms part of an attractive southern boundary of the highway. The verges and high bank form the base of a fine substantial hedge, which enhances the rural area in which it is situated. To drive an access into the bank to serve directly the paddock above the bank would be a major engineering exercise. A cutting would have to be formed which would inevitably require the removal of a considerable length of the bank and hedge. The



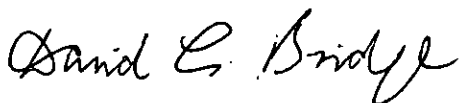
formation of the access into the paddock would cause serious harm to the existing highway border. I accordingly take the view that the proposed development would be inappropriate within the Green Belt. The project would involve the encroachment of development into the Green Belt and conflict with the purposes of the Green Belt as referred to in PPG2 (paragraph 4). If the proposal were agreed it would be difficult to resist further applications in respect of the other paddocks nearby, which do not at present have direct access from the highway. I have given careful consideration to the merits and drawbacks of the existing access used by you and will consider this aspect further when discussing the second issue. It does not appear to me, however, that you have brought forward any special circumstances sufficient to outweigh the harm to which I have referred. The project is located within an Area of Outstanding Natural Beauty and would in no way preserve or enhance the appearance of this area.

6. With regard to the second issue, whilst provision could be made for drivers entering the proposed access to pull off the road before stopping, the proposal could well lead to drivers waiting on this narrow highway for oncoming traffic to pass before turning off the highway. There could in addition be a cumulative effect of drivers slowing down and turning into several accesses which might be provided in this short stretch of road, if the project were taken as a precedent for other new accesses into the adjoining paddocks. These factors in my view show the proposal to be clearly detrimental to highway safety bearing in mind the fast speeds of drivers using the highway. I do not consider that the existing access used by you has inadequate sight lines. The sight lines in both directions appear to be of acceptable length.

7. I note that much development has taken place in the area as you have mentioned but must consider the project on its merits. I have taken into account all the other matters raised in the representations but they do not outweigh the considerations leading me to my decision.

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

I am Sir
Your obedient Servant



DAVID G BRIDGE Solicitor
Inspector