



The Planning Inspectorate

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Your Ref:

DMC/177/JT

Out Ref

T/APP/A1910/A/92/214549/P4

Ack.		
B.C.	Admin.	File
Date:		

11 MAR 1993

12 MAR 1993

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY: J BUGDEN
APPLICATION NO: 4/0634/92

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for a new farmhouse to replace existing dwelling on land at Tring Grange Farm, Cholesbury. I have considered the written representations made by you and by the Council and also those made by Tring Town Council as well as, at the application stage, by the Parish Councils of Wiggington and Cholesbury - cum - St Leonards. I inspected the site on 8 February 1993.

2. I note that whereas your client's application mentions only a new farmhouse, his plans and this appeal also encompass a detached garage and a tennis court. Furthermore, as the Council has confirmed in its letter of 8 January 1993, the Refusal Notice was in respect of your amended plans which you submitted on 25 September 1992. I shall consider this appeal on the above basis. I also note that the existing dwelling referred to in the application has been largely demolished.

3. The appeal site is located both in the Metropolitan Green Belt and in the Chilterns Area of Outstanding Natural Beauty (AONB). The Green Belt policies of the approved Hertfordshire County Structure Plan and the adopted Dacorum District Plan reflect Government policy as set out in paragraph 13 of PPG2. This indicates that within Green Belts, approval should not be given, except in very special circumstances, for the construction of new buildings or for the change of use of existing buildings for purposes other than agriculture and forestry, outdoor sport, cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area. A new house in the Green Belt, therefore, requires exceptional justification.

4. Arising from the above, from the written representations and from my inspection of the site and the surrounding area, I consider that there is a single main issue in this case. This is whether there are any very special circumstances which would justify a type of development not normally appropriate within the Green Belt.

5. I note that planning permission has recently been granted for a replacement dwelling on land adjacent to the appeal site, and within your client's new ownership, and that this was subject to an agricultural occupancy condition (Ref 4/0391/92). However, despite the description of the dwelling now proposed as a farmhouse, no case based on agricultural need, and applying the tests set out in Annex E to PPG7 ('The Countryside and the Rural Economy') has been put forward to justify a further dwelling within your client's holding.

6. The District Plan is currently under review. The Dacorum Borough Local Plan which will supersede it has reached an advanced stage in its preparation having been the subject of a public inquiry. Accordingly, I propose to give this draft plan, which is being used for development control purposes, significant weight in arriving at my decision. Policy 21 of this latest plan indicates that, within the Green Belt, the replacement of existing dwellings, including dwellings which have been destroyed, is acceptable in principle. However, while such replacements may thus be considered as falling within the very special circumstances justifying inappropriate development within the Green Belt, account must also be taken in this case of the area's AONB status. Both the District Plan and the draft Local Plan indicate that a very high priority will be given to preserving the natural beauty of the landscape within the AONB, while special attention will be given to the siting and design of those buildings which are permitted. Policy 89 of the draft Plan states, inter alia, that development within the AONB must not be intrusive in terms of noise, appearance, disturbance and traffic generation and parking and that any development proposal which would detract from the beauty of the area will be refused.

7. The appeal site lies in a shallow valley amidst attractive, otherwise open, countryside about half a km. to the north-east of Cholesbury. It is prominently located at the junction of a bridleway, which provides the vehicular access to the site, and a number of public footpaths. The proposed dwelling would follow the same basic footprint as the previous, recently demolished, farmhouse. It would replace a three-storey dwelling with single-storey wings at either end with a two-storey house having an 'H' shaped layout.

8. However, I consider that, while the proposed new dwelling would have slightly less total floorspace than the previous one, it would be markedly more noticeable. Whereas the three-storey part of the previous house was some 13m wide and 10m deep, a considerable proportion of its overall floorspace being accommodated within the two wings, the proposed

replacement would measure some 24m by 13m. Also, because of its tall roof, it seems to me that it would not be markedly lower than the previous house whose second floor was accommodated within the profile of a mansard roof. In my view, the suburban nature of the proposed design, which I consider to be inappropriate for this rural location, would combine with the greater bulk of the building to make it significantly more prominent and intrusive in the landscape.

9. Also, it seems to me that the proposed tennis court, which would be located at the western end of the appeal site, would represent a further intrusive as well as urbanising feature. While the hedgerow which runs along the southern boundary to the appeal site would, to some extent, conceal it from the adjacent footpath, the trees which define the western boundary to the site provide a far less effective screen which would make it quite prominent when seen from the west.

10. Overall, I consider that the proposals would unacceptably harm the appearance of the AONB and, therefore, be contrary to the aims of the Council's policies in respect of this designated area. This leads me to the conclusion, notwithstanding the Council's policies on replacement dwellings, that there are no very special circumstances in this case which would justify a type of development not normally appropriate in the Green Belt.

11. In reaching this conclusion, I have taken into account your photographs of properties in the surrounding area which, as you say, have been built to a range of designs. However, it seems to me that the circumstances surrounding these dwellings, all but one of which are situated on main roads, differ from those of the case now before me, given, among other things, the particularly attractive landscape setting of the appeal site. I have taken into account this and all other matters raised in the representations. However, neither these nor anything else before me are of sufficient weight to override my conclusion based on the main issue.

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

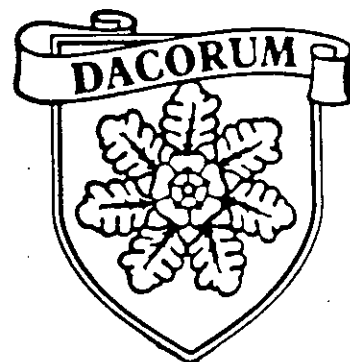
I am Sir
Your obedient Servant

C. J. Gossep.

DR C J GOSSOP BSc MA PhD MRTPI
Inspector

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0634/92

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Seer Green
Bucks

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DEVELOPMENT ADDRESS AND DESCRIPTION

Tring Grange Farm, Cholesbury Tring,

DEMOLITION OF EXISTING DWELLING, ERECTION REPLACEMENT DWELLING, DETACHED DOUBLE GARAGE AND TENNIS COURT

Your application for *full planning permission* dated 18.05.1992 and received on 27.05.1992 has been **REFUSED**, for the reasons set out on the attached sheet(s).

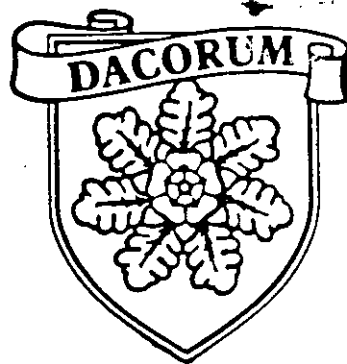
Director of Planning

Date of Decision: 01.10.1992

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0634/92

Date of Decision: 01.10.1992



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 adopted Dacorum District 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 is unacceptable in the terms of this policy.
3. Policy 6 of the adopted Dacorum District Plan and Policy 21 of the Dacorum Borough Local Plan Deposit Draft allows for the replacement of existing dwellings by properties of a similar size and no more intrusive in the landscape than the original building. The proposed dwelling by reason of its bulk, mass and design would present a far more obtrusive building and along with the proposed tennis courts would have the effect of urbanising an isolated area in the countryside which would prove harmful to the character and appearance of the Chilterns Area of Outstanding Natural Beauty.