



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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The Solicitor to the Council
Dacorum Borough Council
Civic Centre
Marlowes
HEMEL HEMPSTEAD
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HP1 1HH

Your Refs:
4/0641/92 and 4/0760/93
Our Ref:
T/APP/A1910/A/92/212207/P7A
T/APP/A1910/A/93/227526/P7A

Date: 13 JAN 1994

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
LOCAL GOVERNMENT ACT 1972, SECTION 250(5)
APPEALS BY AMARAVATI BUDDHIST MONASTERY

1. At the Local Inquiry into the above mentioned appeals held on 23 and 24 November 1993 an application for costs was made on behalf of Amaravati Buddhist Monastery.

2. I enclose my decision on this application.

Yours faithfully

D Lavender

D LAVENDER MRTPI
Inspector

ENC

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL					
Ref					Act
D.P.	D.P.M.	D.P.	D.C.	B.C.	Act
Received			14 JAN 1994		
Comments					





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				GTN	1374

Received 14 JAN 1994

Comments

Your Refs:

AM/TH and AM2/TH

A) T/APP/A1910/A/92/212207/P7

B) T/APP/A1910/A/93/227526/P7

Date: 13 JAN 1994

Hancock Associates
Architects/Planners
Clock House
Weston Underwood
OLNEY
Buckinghamshire
MK46 5JZ

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEALS BY AMARAVATI BUDDHIST MONASTERY

APPLICATION NOS: (A) 4/0641/92

(B) 4/0760/93

1. I have been appointed by the Secretary of State for the Environment to determine these appeals against the decisions of the Dacorum Borough Council to refuse planning permission for:

(A) A temple to replace existing hutted buildings, together with entrance gates, screen and piers; and

(B) A meditation hall and ancillary rooms to replace existing hutted buildings with entrance gates,

on land at Great Gaddesden, Herts. I held a Local Inquiry into the appeals on 23 and 24 November 1993, and I inspected the site on 25 November 1993. At the Inquiry, an application was made on behalf of the Amaravati Buddhist Monastery for an award of costs against Dacorum Borough Council. This is the subject of a separate letter.

2. The Amaravati Monastery lies in mainly open countryside, within the Chilterns Area of Outstanding Natural Beauty, some distance to the west of Hemel Hempstead. It occupies a site of some 8 ha and includes a range of mainly single storey wooden buildings which were used until about 1983 by the Bedfordshire Education Service as a residential school for children with learning difficulties. One of the wooden buildings currently serves both as the refectory and as the meditation and meeting hall for the monastery, as well as being its main shrine. The proposals are alternative schemes, mainly intended to provide a separate and more suitable building than the refectory for these religious functions. Application A was amended after its submission by re-siting the proposed building some 12 m further to the east, slimming



the profile of its roof and finial and reducing the overall height by some 1.2 m. These amendments were the subject of fresh consultation and publicity, and I have therefore considered Application A on the basis of the revised drawings, numbered 183/25 revision A, 183/26 revision A and 206/01 (plans E, F and G). Application B was submitted following rejection of application A, and proposes a smaller and lower building with no finial, sited on lower ground about 20 m further to the east of that proposed in application A.

3. The statutory development plan for the purposes of Section 54A of the Town and Country Planning Act 1990 (as amended) consists of the approved Hertfordshire County Structure Plan Review incorporating approved Alterations 1991, and the adopted Dacorum District Plan 1984. The relevant policies of both plans seek to protect the countryside from development other than that related to agriculture, forestry, or a limited range of other purposes which demand a rural location and, within the Area of Outstanding Natural Beauty, give priority to the preservation of the landscape over other considerations. The Structure Plan also sets out the County Council's intention to resist development likely to give rise to a change in the amount or type of traffic on poor quality rural roads, or where increased traffic would give rise to an increased risk of accidents or have an adverse impact on the environment.

4. The deposit version of the Dacorum Local Plan maintains a similar policy thrust. It emphasises that high standards are required in all development proposals and sets out detailed environmental guidelines, while a further range of policies seek to give protection to trees and woodlands. Policy 49 in particular states that the acceptability of all development proposals is to be assessed specifically in highway and traffic terms. It lists a range of criteria which are to be taken into account, including traffic volume, and its type, timing, and environmental impact. Further considerations are the width of the road and the amount of on-street parking, accident records, traffic management requirements, and the effect on the safety and character of country lanes. The emerging Local Plan is nearing completion of the statutory procedures leading to its formal adoption and, in line with the advice contained in Development Control Policy Note 1, I give it due weight.

5. The Council, having granted permission for the establishment of the monastery in 1984, raises no objection to the proposed building on rural area policy grounds, and does not oppose the schemes for walls and gates, which are common to both applications. Likewise, following the amendment of application A as described in paragraph 2 above, and the further amendments resulting in application B, the Council accepts that the impact of either of the buildings on the landscape would be acceptable. It is also satisfied with

their proposed height and massing, and foresees no difficulty in achieving the use of suitable external facing materials. The Council's concerns relate only to traffic generation and the highway implications of the two schemes.

6. From the foregoing, the evidence and submissions at the Inquiry, the written representations and my inspection of the site and its surroundings, I consider that the principal issue in this case is the effect of the proposed development on the safe and free flow of traffic along the local highway network.

7. The monastery is approximately 2 km from the A4146 Hemel Hempstead to Leighton Buzzard Road from which it is approached through the village of Great Gaddesden via two typically rural roads, Piper's Hill and St Margarets Lane. Visibility at the junction of Piper's Hill with the A4146 is about 119 m to the south and 150 m to the north from a 2.4 m setback. This falls below the design standard of 215 m x 4.5 m x 215 m for roads with a 60 mph speed limit, recommended in the annex to Planning Policy Guidance Note 13 "Highway Considerations in Development Control". In the vicinity of the Piper's Hill junction with St Margarets Lane, the carriageway is only about 4.45 m wide and visibility is very restricted by the horizontal and vertical alignment of the respective carriageways and by the hedgerows which line them. St Margarets Lane itself is typically about 3 m wide and becomes physically impassable to most motor vehicles some distance beyond the monastery. Both roads however serve residential and commercial properties scattered along their entire length, and evidence was produced on behalf of your clients in support of your contention that the highway network still retains some capacity to safely accept additional traffic. I also note from the records submitted that, where personal injury and other accidents have occurred, they are mainly concentrated around the A4146 junction and in the section of Piper's Hill to the west of the St Margarets Lane junction. Nevertheless, given the general characteristics of the highways and the remoteness from public transport facilities, together with the emphasis given by the prevailing planning policies to traffic and related environmental considerations, I consider that the Council's concern to exercise firm restraint over development likely to increase vehicular use of the access route to the monastery is justifiable.

8. Conditional planning permission was granted for the change of use of the former school to a monastic college with annex for nuns in 1984. The Council's concerns about potential traffic generation were principally assuaged at that time by the completion of an Agreement under Section 52 of the Town and Country Planning Act 1971 (now Section 106 of the Town and Country Planning Act 1990). In essence, this sets a limit of 5 religious or ceremonial events each year, provides for public access at other times for the purpose of normal or

usual religious observance or practice, and limits the number of persons resident on the land at any one time to not more than can properly or reasonably be accommodated in the original school buildings.

9. The monastery is at present the base for a resident community of some 40 monks and nuns, and there are also residential facilities for guests and for those seeking religious retreat for varying periods. A programme of meditation classes is offered during part of the year, in addition to which there are regular visits from local schools. There are also occasional gatherings aimed principally at families, and periodic meetings with representatives of other religious denominations and interested groups. Daily religious services are open to the public, and individuals and families also attend in varying numbers to offer alms, including voluntary assistance. Activities resulting in large congregations tend to be concentrated at weekends, and particularly on Sundays, when sermons normally attract about 80 visitors. The two main festival days, one in May and the other in October or November, attract the greatest numbers, typically 200 to 400 people. In addition, there are infrequent ordination ceremonies, which are only slightly less well patronised. While it may be that more of these would be held at the monastery in the future, they have mainly taken place at another property in Sussex, and in the open air when weather permits. To counterbalance these events, your clients stress the importance to the monastery of maintaining an atmosphere conducive to calm reflection for the resident religious community and this, in itself, limits the extent to which public access is encouraged.

10. Comprehensive traffic surveys have been undertaken in connection with the present applications, on the most recent occasion to a specification agreed between your clients and the Council. The surveys produce similar results, the last having found that of about 430 vehicles using St Margarets Lane on a Sunday about 34% was generated by the monastery, with a significantly lesser proportion on 2 weekdays. In Piper's Hill there were some 1239 traffic movements on the Sunday, with the monastery accounting for about 10% of these, and about half that proportion on the weekdays. Besides the monastery, other traffic generators in the vicinity include the sizeable Wyevale Garden Centre at the Piper's Hill/A 4146 junction, the village public house, the Longford open farm, a trailer and tyre service depot at St Margarets Farm and the significant number of dwellings which rely on the system of roads hereabouts for access. My attention was drawn to an appeal decision in respect of enforcement notices at Longford Farm, in which the Inspector had commented that the monastery attracts double decker buses and coaches visiting many times each week and concluded that any increase in traffic arising from the retention of the uses subject of the enforcement notices would be detrimental to highway safety and the free flow of traffic. School parties arrive by coach, but the survey information made available to me does not support the

findings on the general quantity of coach traffic, and the double decker bus was, I understand, used by one group of occasional visitors only and has not been brought to the site for some considerable time. I fully acknowledge the concerns voiced by the Highway Authority and a large number of local residents about the amount of traffic already using the access route. I also appreciate the status, in planning terms, of some of the businesses currently operating in the vicinity. However neither these matters, nor the traffic surveys, photographs and other evidence of existing access difficulties, assist in establishing whether the appeal proposal would generate additional vehicles, or lead to a worsening of prevailing traffic conditions.

11. The existing refectory has a useable floorspace for worship and meditation of some 375 sq m and a total seating capacity of 164. Application A would produce a building of some 370 sq m for these same purposes, with a seating capacity of 250. Nevertheless, this would do no more than reflect the combined number of residents and visitors who have been present on the site during feast days in the past. Application B has been designed to precisely replicate the floor space and seating capacity of the existing refectory but, like the existing building, would be insufficient to comfortably accommodate feast day congregations. Although feast days and other popular festivals are celebrated on only a limited number of occasions, and the presence of the temple would provide accommodation available throughout the year, the existing Section 52 Agreement prevents any increase in the frequency of such events beyond that envisaged when the 1984 permission was granted. While there is no control over the numbers who may attend, the frequency and size of these gatherings is not directly dependent on the existence of a temple, or its precise capacity. The 1984 permission and the Agreement provide only limited control over other religious activities, but your clients are anxious to distance themselves from more fashionable strands of Buddhism which regularly attract considerably greater congregations. While the evidence produced by local residents indicates that traffic in the area generally may well have increased steadily, and suggests that activity at the monastery may have grown since it was first established, I see that the range of use has not gone beyond the detailed description contained in the explanatory letter of 15 September 1983 which accompanied the original application. This made explicit reference, amongst other things, to the need for a new building where meditation, reflection and religious ceremonies could take place. Indeed, from what I heard as well as from the monastery's own records, the pattern of normal religious practice and observance at this site has now remained broadly settled over a number of years, and there is no suggestion by the Council that it has operated unsatisfactorily, or that the terms of either the planning permission or the accompanying Agreement have been breached.

12. The form and size of religious buildings in general is dictated as much by the need to provide a building of distinctive quality and an appropriately hallowed ambience, as by the need to accommodate large numbers of people, and it is not unusual for such buildings to be fully occupied only on special occasions. I do not consider that the proposed temple, by reason of the accepted quality of its architecture, would stimulate any noticeable increase in visitor interest, and although there is some evidence of roadside parking in St Margarets Lane, I saw that ample space exists within the grounds for vehicles to be stationed clear of the highway. Although there has been some discussion between your clients and the Council on the merits of undertaking some off-site works along the lane to provide an increased number of passing places, I note that the highway authority does not encourage this for environmental reasons.

13. In summary, while I fully appreciate the existing traffic difficulties in St Margarets Lane and Piper's Hill, and at the A4146 junction, I find no clear evidence that the now established pattern of activity at the monastery would change in direct consequence of the construction of a new temple. As such, I am not convinced that either proposal would, in itself, give rise to any significant change in the amount or type of traffic using these rural access roads. I therefore conclude that neither of the proposals would conflict with prevailing highway policies or have any effect on the safe and free flow of traffic along the local highway network.

14. A number of objectors have voiced concern about the visual impact of the proposed temple. I saw that the monastery is sited on a ridge with open countryside to the south and west and both woodland and agricultural land to the north. It would be plainly visible from the western section of St Margarets Lane, and glimpses of it would be seen from parts of the network of public footpaths in the area, although long distance views from many directions would be largely curtailed by the steeply undulating contours of the surroundings. The design in both schemes would be of some quality, avoiding the use of detailing inappropriate to the English countryside. The building would have a landscaped setting in the spacious grounds of the monastery and would be significantly more attractive than the existing timber huts which it is to replace, and many of those nearby. The proposed entrance wall and gates would be similarly well designed and include the resiting of the existing monastery access further from a neighbouring residential access thereby reducing the potential for vehicular conflict. Subject to suitable landscaping, I consider that the natural beauty of the landscape would be preserved.

15. I have considered all other matters raised, but find nothing sufficient to outweigh my conclusions that neither scheme would conflict with policy objectives or cause demonstrable harm to interests of acknowledged importance. I therefore propose to allow these appeals.

16. During the course of negotiations with the Council following refusal of application A, your clients suggested a modification to the existing Section 52 Agreement that would reduce the permitted number of festival days at the monastery from 5 to 4, and limit the advertising of events at Amaravati to 15 days per year. The Council asked that I consider making this modification a prerequisite in both applications, although no formal modification agreed with the appellants was tabled. The number of permitted festival days is already small and advertising is limited, for religious reasons, to Buddhist publications, albeit widely circulated. In all the circumstances, and since neither the size of gathering nor the number of events is directly related to the existence of the temple, I do not accept that these further limitations would be justified by the appeal proposals, even in the unlikely event that the occupiers of the monastery change in the future.

17. I have also considered the conditions suggested by the Council in the light of the advice contained in Circular 1/85. Those relating to the submission and approval of external materials and the landscaping of the site are in my opinion necessary and appropriate to both applications. A further condition is proposed by the Council requiring the building in appeal A to be moved 30 m to the north east, which would place it in approximately the same position proposed in application B, and would enable an existing oak tree to be retained. Although healthy, this tree is of no great age and is not protected by a Tree Preservation Order. Its canopy would substantially overhang the building in any event and, given the spaciousness of the site, I am of the opinion that its loss could be more than compensated for in a comprehensive scheme of fresh landscaping for the site without compromising overall policy objectives. I have also considered whether it would be expedient to impose a further condition to ensure that both scheme A and B are not implemented together. However, the sites partly overlap and, given the specialised nature of the buildings and that the schemes are submitted in the alternative, I have concluded that this is unnecessary in this particular case.

18. In respect of appeal (A), for the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for a temple to replace existing hutted buildings, together with entrance gates, screen and piers on land at Great Gaddesden, Herts in accordance with the terms of the application (No 4/0641/92, dated 12 May 1992) and the amended plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

2. No development shall take place until details of all materials to be used in the external elevations of the proposed building have been submitted to and approved by the Local Planning Authority, and the development shall be carried out only in the materials so approved.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

19. In respect of appeal (B), for the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for a meditation hall and ancillary rooms to replace existing hutted buildings with entrance gates on land at Great Gaddesden, Herts in accordance with the terms of the application (No 4/0760/93, dated 26 May 1993) subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

2. No development shall take place until details of all materials to be used in the external elevations of the proposed building have been submitted to and approved by the Local Planning Authority, and the development shall be carried out only in the materials so approved.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the

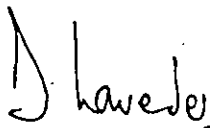
completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

20. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Authority fail to give notice of their decision within the prescribed period.

21. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.

22. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully



D LAVENDER MRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr C Lockhart-Mummery - Queen's Counsel, instructed by
Hancock Associates
Architects and Planners
Clock House
Weston Underwood
Olney
Buckinghamshire MK46 5JZ

He called:

Venerable Sumedho - Abbot of the Amaravati
Buddhist Monastery
Great Gaddesden
Hemel Hempstead

Venerable Jutindharo - Monk

Mr T Hancock - Planning and Architectural
FRIBA, MRTPI Consultant
Hancock Associates

Mr D R Bird - Director of Projects
BSc, C Eng, MICE Travers Morgan Transport
Consultants

FOR THE LOCAL PLANNING AUTHORITY

Mrs A Walker - Senior Solicitor
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts HP1 1HH

She called:

Cllr J Taunton - Leader of the Council

Mr A Howling - Divisional Highway Manager
C Eng, BSc (Eng), Western Division
MICE, MIHT Hertfordshire County Council

INTERESTED PERSONS

Mr Robert Jones MP	- House of Commons, London SW1
County Cllr A Williams	- Willow Wood, Nettleden Road, Little Gaddesden, Hertfordshire HP4 1PP
Cllr F Seeley	- 20 Rambling Way, Potton End, Berkhamsted HP4 2SF
Cllr B Gregory	- Conifers, Hudnall Lane, Little Gaddesden, Hertfordshire HP4 1QE
Mr V Brookes	- Chairman of the Great Gaddesden Parish Council Oak Cottage, Water End, Great Gaddesden HB1 3BH
Mr E Roe	- Chairman of the Little Gaddesden Parish Council Home Farm Lodge Little Gaddesden HB4 1PN
Mr P Thring	- Hertfordshire Conservation Society 29A Mill Lane, Welwyn AL6 9EU
Mrs A Wooster and Mrs Hye	- Rural Heritage Society Vine Cottage, Little Gaddesden HP4 1PN
Mr J Huins	- 11 St Margarets, Great Gaddesden HP1 3BZ
Mr R A Corby	- Kilbracken, Hugdall Common, Berkhamsted HP4 1QW
Rev M Nathanael	- The Vicarage Astrope Lane, Wilstone, near Tring, Hertfordshire HP23 4PH
Mr G Benningfield	- 3, The Moor, Water End, Hemel Hempstead HP1 3BL
Ms L Joynes	- Meadow Cottage, Pipers Hill, Nettleden HP1 3DQ
Mr D Lishman	- Little Gaddesden House HP4 1PL

Mr G T Huxtable

- Deer Leap Garage, Ringshall,
Berkhamsted, HP4 1ND

Mr B Hannaby

- 4 St Margarets, Great
Gaddesden

DOCUMENTS

- Document 1 - Lists of persons present on each day of the Inquiry.
- Document 2 - Notification of the appeal to interested persons and distribution list.
- Document 3 - Appendices to Venerable Sumedho's Venerable Jutindharo's, Mr Hancock's and Mr Bird's evidence (bound).
- Document 4 - Figures, plans and tables appended separately to Mr Bird's evidence (bound).
- Document 5 - Council's report on application 4/1172/83 for change of use of St Margarets school to monastic college with annexe for nuns, dated 8 February 1984 (appellant).
- Document 6 - Copy of letter from Mr Huins to the council, dated 26 June 1993 (appellant).
- Document 7 - Extracts from Chairman's statements in Amaravati annual reports 1986 - 1991 (appellant).
- Document 8 - Extracts from The Buddhist Directory (appellant).
- Document 9 - Appendices to Cllr Taunton's evidence (bound).
- Document 10 - Appendices to Mr Howling's evidence (bound).
- Document 11 - Bundle of correspondence and notes of meetings between County and District Councils and local residents.

- Document 12 - Record of non-injury accidents in the Great Gaddesden Area agreed between Mr Huxtable and Mr Bird.
- Document 13 - Letter from Mr Huxtable to County Councillor Mrs A Williams, dated 20 November 1993 (handed in on behalf of Mrs Williams).
- Document 14 - Extracts from Hertfordshire County Council's Transport Policy and Programme and 1991 Census (submitted by Cllr Gregory).
- Document 15 - Bundle of correspondence from interested parties.

PLANS FOR APPEAL A

- Plan A - Site location plan, scale 1:5000.
- Plan B - Layout plan of monastery as existing
- Plan C - Superseded sections, elevations and plan, drawing no 183/24, revision B.
- Plan D - Sections, elevations and plan, reduced and coloured, drawing no 183/25.
- Plan E - Amended sections, elevations and plan, drawing no 183/25, revision A.
- Plan F - Amended temple design details, drawing 183/26 revision A, and duplicate reduced coloured copy.
- Plan G - Proposed entrance gates, drawing 206/01.

PLANS FOR APPEAL B

- Plan H - Plan and section, drawing 183/40, and duplicate reduced coloured copy.
- Plan I - Location plan, floor plan and sections, drawing 183/41.
- Plan J - Elevations, drawing 183/42, and duplicate reduced coloured copy.
- Plan K - Site Plan, drawing 183/43.

Plan L

- Proposed entrance gates, drawing 183/44.

Plan M

- Bundle of drawings comparing application A with application B, numbered 183/34, 35, 36 with cover sheet and tabulated floorspaces.

PLANS COMMON TO BOTH APPEALS

Plan N

- Site plan referred to in the Section 52 Agreement (appellant).

Plan O

- Plan showing effect of moving building proposed in application A 30 m east, to avoid existing oak tree.

PHOTOGRAPHS

Photo 1

- Bundle of photographs produced by Mr Seeley showing cars in St Margarets Lane and Piper's Hill.

Photo 2

- Bundle of photographs and site plan produced by Mr Brooks showing vehicles parked at the monastery and a marquee.

Photo 3

- Sheaf of photographs and explanatory text produced by Mr Huins.



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Date: 13 JAN 1994

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
LOCAL GOVERNMENT ACT 1972, SECTION 250(5)
APPEAL BY AMARAVATI BUDDHIST MONASTERY
APPLICATION FOR COSTS BY HANCOCK ASSOCIATES

1. I refer to the application made on behalf of your clients for an award of costs against the Dacorum Borough Council which was made at the Inquiry held at the Civic Centre, Hemel Hempstead on 23 and 24 November 1993. The Inquiry was in connection with appeals by Amaravati Buddhist Monastery against refusals of planning permission for:

(A) A temple to replace existing hutted buildings, together with entrance gates, screen and piers: and

(B) A meditation hall and ancillary rooms to replace existing hutted buildings with entrance gates

on land at Great Gaddesden, Herts. A copy of my appeal decision letter is enclosed.

2. In support of the application, it was submitted that the Council had not produced any evidence that either of the proposed buildings would bring about any increase in traffic on the local road network. Your clients had gone to considerable lengths to meet all of the Council's concerns through discussion and compromise. If the Council remained uncertain as to the traffic implications of the proposals and the potential for future growth in activities, it could have sought further information from your clients, but did not do so. Moreover, in overturning the favourable recommendations of its planning officers and coming to the view that permission "would not be in the best interests of the locality", the Council applied an improper test and failed to show demonstrable harm to interests of acknowledged importance. In your submission, this amounted to unreasonable behaviour by the Council which led your clients to unnecessary expenditure in bringing the matter to appeal. You consider that a full award of your clients' costs is therefore justified.

3. In response, the Dacorum Borough Council stated that its traffic objections were soundly based on the knowledge and experience of local residents throughout the period since the monastery was first established. It too had gone to considerable lengths to reach agreement with your clients through lengthy discussion and negotiations, but had considered it expedient also to examine information about the potential for future growth in traffic at the monastery from other sources. There was no guarantee that the proposed temple would not generate additional traffic and, notwithstanding the precise form of words used in evidence, the Council had concluded that there would be demonstrable harm to traffic safety, an interest of acknowledged importance. Its decision to refuse planning permission had not therefore been unreasonable, and the Council accordingly opposed the application for costs.

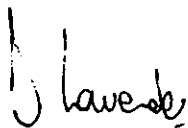
4. The application for costs falls to be determined in accordance with the advice contained in Circular 8/93 and all the relevant circumstances of the appeal, irrespective of its outcome, and costs may only be awarded against a party who has behaved unreasonably.

5. Annex 3 of Circular 8/93 states that planning authorities are not bound to adopt the advice of their officers but will be expected to show that they had reasonable planning grounds for taking a different decision and were able to produce relevant evidence to support their decision. Although the advice given to the Council on traffic matters differed when each of the applications was submitted, the Council's case was supported at the Inquiry by the Highway Authority and a substantial body of local people. Reference was made to policies in the statutory development plan which emphasise the overall objective of traffic restraint in rural areas, and evidence was produced of shortcomings in the network of access roads to counter submissions made on behalf of your clients concerning road capacity. While the appeal proposals seek only the long planned replacement of existing accommodation, and no direct evidence of traffic growth likely to arise from the appeal proposals was provided, a detailed analysis of a range of publications and other information had been undertaken by the Council and others to demonstrate the growth of Buddhism in general, and variations in the popularity of certain events at Amaravati, with which the proposed buildings would be associated. In the specific context of Circular 8/93, I consider that the Council had reasonable grounds in planning policy terms for its decisions, and produced relevant evidence to substantiate its arguments. I therefore conclude that an award of costs is not justified in this case.

FORMAL DECISION

6. For the above reasons, and in exercise of the powers transferred to me, I hereby refuse the application made by Hancock Associates on behalf of the Amaravati Buddhist Monastery for an award of costs against the Dacorum Borough Council.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'D. Lavender', is written over the typed name.

D LAVENDER MRTPI
Inspector

ENC