

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Westminster Roman Catholic Diocese Trustees,  
c/o Father Desmond Cantwell,  
69 Coniston Road,  
Kings Langley,  
Hertfordshire

Bird & Stones,  
Chartered Civil Engineers  
'Riordan House'  
23/25 Northolt Road,  
South Harrow, Middx

..... Church and Presbytery with associated car park .....
.....
at ..... Dunny Lane, Chipperfield, Herts. ....
.....

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 ..... 12th June 1985 ..... and received with sufficient particulars on ..... 13th June 1985 (amended 13th August 1985) and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:-

- (1) The site is within the Metropolitan Green Belt and the proposal does not satisfy a local need. There is accordingly no justification for the development under Policy 4 of the Dacorum District Plan.
- (2) The building in size and design is inappropriate in a Conservation Area and will have a severe impact on the environment.
- (3) The location of the site adjacent to a busy crossroads will lead to situations of danger.

Dated ..... 15th ..... day of ... August ..... 19 85...

Signed.....

Chief Planning Officer

#### 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 receipt 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.

Tollgate House  
Houlton Street  
BRISTOL  
BS2 9DJ

15 OCT 86

To the Right Honourable Nicholas Ridley MP  
Secretary of State for the Environment

Sir

I have the honour to report that on 15-18 July and 4 August 1986 I held an inquiry at Chipperfield Village Hall into an appeal by the Westminster Roman Catholic Diocesan Trustee against the refusal of the Dacorum Borough Council to permit development on land at Dunny Lane, Chipperfield, Hertfordshire. The determination of this appeal fell to me by virtue of Schedule 9 of the Town and Country Planning Act 1971. I attach a copy of my decision letter. This report relates to an application for an award of costs made at the inquiry by the appellant against Dacorum Borough Council.

SUBMISSION ON BEHALF OF THE APPELLANT IN SUPPORT OF THE APPLICATION

1. Costs should be awarded against the council because its decisions on this proposal have been inconsistent. Despite the recommendation of refusal by officers (document 8a), the committee in January 1984 delegated the application to the Chief Planning Officer to determine on the basis that the proposal was a suitable exception to green belt policies, subject to a section 52 agreement being entered into (document 8b). A draft agreement was prepared (document 39) and signed but before it could be exchanged the committee rescinded this delegation in the belief that the site was only 0.7 acres instead of the 1 acre referred to in the application; details of how the development could be achieved on the smaller area were also asked for (documents 8c and d).
2. Ascertaining the exact size of the site took time because it was too overgrown to measure accurately and could not be cleared before acquisition, but subsequently the original figure of about 1 acre was confirmed. Plans of the proposed development were submitted after discussions with borough council officers who asked for a design resembling a traditional barn and for the church and presbytery to be combined into one building. Just before the application was considered again by the committee, in January 1985, the County Surveyor without warning directed refusal. Despite the officers' recommendation of refusal on grounds that included location in the green belt (document 8e) the committee resolved that the application should not be refused on that ground and the reasons for refusal did not include any green belt objection (document 8f).
3. Following this decision, discussions with the County Surveyor resulted in his highway objection being withdrawn. In discussions with borough council officers the submission of a fresh full application was agreed and in accordance with their suggestions roof lights were substituted for the dormer windows and the height of the building was reduced by 5 ft and lowered by a further 10 ft at the back by excavation of its site. Last minute alterations were also made to the application plans to meet requests from the County Surveyor for a further increase of 10 parking spaces and from the borough officers for the building to be sited further from the existing dwellings. Despite the recommendation of approval the committee refused permission on grounds of the green belt, Conservation Area and traffic danger.

4. The council's decision was unreasonable, vexatious and frivolous because the committee had previously resolved that the church was a suitable exception to green belt policy. Although an article 10 direction was received just before the committee meeting it was open to the council to inform the Secretary of State that it was minded to grant permission and ask for the special authorisation referred to. Secondly, the size and design of the proposed building had been agreed with the council's officers. Thirdly, the traffic objection by the County Surveyor had been overcome and withdrawn, and the traffic reason for refusal was unsupported by the highway authority.

#### SUBMISSION ON BEHALF OF THE LOCAL PLANNING AUTHORITY IN REPLY

5. It is not accepted that the council's decisions were inconsistent or its actions unreasonable, vexatious or frivolous. During consideration of the second application the committee was swayed temporarily by arguments that a local community need would be fulfilled. The arguments were not substantiated and it was not until requested by the County Surveyor that a firm indication of the number of local residents involved was given. This showed that only 18 out of 142 Catholic households in the pastoral area lived in Chipperfield. The district plan states that "local" need relates to the individual rural settlement and there is therefore a green belt policy objection.

6. So far as the Conservation Area is concerned, the County Planning Officer advised that the proposals were unsatisfactory. On the traffic issue, although the County Surveyor has raised no objection in principle to the development, the borough council produced evidence to show that it is unacceptable because of the sub-standard visibility at the cross-roads.

#### COMMENT

7. In my opinion, the fact that permission might well have been given for development, but for a delay caused by doubts about the size of the site and the difficulty in verifying it, does not provide any justification for a conclusion that the later refusals were unreasonable, vexatious or frivolous. There is no reason to doubt that the committee decision not to raise a green belt objection after refusal had been directed by the County Surveyor was based on acceptance of assertions that there was a local need. As only a small part of the need for the church relates to the individual settlement it is not covered by the exceptions to green belt policies. Acceptance must therefore depend on whether circumstances are adjudged to be very special and, as in my opinion the green belt acceptability of the development is marginal, the council's change of opinion based on new evidence cannot be treated as unreasonable.

8. The fact that the council did not accept the officers' view that the design of the building is not unacceptable (document 11) cannot be classed as unreasonable, particularly in view of the criticisms of the design which have subsequently been received from the County Planning Officer (document 10). I note that the need for the submission of further details was accepted at the inquiry on behalf of the appellant.

9. Visibility at the cross-roads is substandard. The fact that the County Surveyor did not object to the development does not make the council's reason for refusal unreasonable and it was supported by evidence at the inquiry.

RECOMMENDATION

10. I recommend that no award of costs be made.

I have the honour to be  
Sir  
Your obedient Servant

*H. M. A. Steedman*

H M A STEDHAM ARICS FRTPI  
Inspector

JP

# Department of the Environment and Department of Transport

13179



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35 High Street  
BOVINGDON  
Herts  
HP3 0HG

Your reference  
JB.CRP.Parish 3

Our reference  
T/APP/A1910/A/86/43559/P3

Date

15 OCT 86

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY THE WESTMINSTER ROMAN CATHOLIC DIOCESAN TRUSTEE  
APPLICATION NO:- 4/0714/85

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a Roman Catholic church and presbytery with associated car park on land at Dunny Lane, Chipperfield, Hertfordshire. I held a local inquiry into the appeal on 15, 16 and 18 July and 4 August 1986 at Chipperfield Village Hall.

2. It was stated on behalf of the appellant that the urgent need for a resident priest in this area was apparent to Bishop O'Brien when he was appointed in 1977 and Father Cantwell was appointed to the newly formed Kings Langley Pastoral Area (plan J) in January 1978. The life of a Catholic parish is not restricted to weekly celebration of mass, and a whole wealth of liturgical practice helps to knit the community together. The central focus of a Catholic church is the tabernacle and constraints arising from the lack of a church in the pastoral area include the need to travel out of the area for baptism, marriage and a confessional. Shared church agreements with the Church of England are reasonably successful with new churches designed to accommodate varying Christian traditions and service times mutually agreed. Changes to long-established churches, affecting service times and the character of their interior, are less readily acceptable.

3. The only reasonable alternative to a return to the previous fragmentation of the community, with each village served from churches outside, is for the pastoral area to have its own church, an option not decided on lightly because of the costs involved. A priest's residence is included because of the church law requirement for safe keeping where the Blessed Sacrament is reserved, the need to prevent vandalism and the importance of the priest living where parishioners can visit him. Father Cantwell's fairly small council house in Kings Langley is unsuitable to meet needs, particularly because of extra duties as chaplain to the new prison at Bovington, due to be completed this year, in addition to his present responsibilities as priest in charge of the pastoral area where the number of practising Catholics has risen from 95 households in 1982 to 142 in 1985. Of these 18 live in Chipperfield, 42 in Bovington and 68 in Kings Langley (document 17). A petition supporting the application was signed at the church door by 1438 persons (document 58).

4. In addition to the disadvantage of being only a guest, albeit welcomed, in the churches used, the pastoral area suffers practical disadvantages of no security of tenure, service times having to be fitted in and sometimes involving tight schedules and enforced changes, and sacred vessels and vestments having to be brought in a suitcase. By 1981 the need for a church was clear and the best place was considered to be the centre of the pastoral area where it would be available to the whole. The borough council was approached about 2 sites in Chipperfield without success (document 19) and later the appeal site was chosen, comprising derelict land acquired by Trust Houses at the same time as the Two Brewers Hotel. This site still contains the foundations of a former tea hut where Catholics used to celebrate mass before and during the war, but later burnt down. Subsequently the site was donated to the diocese by Lord Forte.

5. A first application (document 3), for a multi-purpose building combining church and pastoral centre with facilities for the elderly and handicapped, did not find favour with the council and was refused (document 7). The second outline application was for a church and presbytery only and the committee delegated to officers the grant of permission subject to a section 52 agreement covering the provision of 30 parking spaces and resiting of the bus shelter, and prohibiting separate sale of the presbytery. The terms of the agreement were settled (document 39) but before it could be exchanged and formal permission granted the size of the site was queried and clearance of the land sufficient for accurate measurement had to await completion of the conveyance. The committee later rescinded its delegation to officers and asked for details of how the development could be achieved (document 8d). Fresh plans were submitted but, without any notice to the applicants, the County Surveyor directed refusal on the day before the committee meeting. Nevertheless the committee voted not to reject the application on green belt grounds and no green belt objection was therefore included in the reasons for refusal (document 8f).

6. After details of the development had been supplied to him, the County Surveyor withdrew the highway objection subject to the parking provision being increased to 40 spaces; the third application which is the subject of this appeal was then submitted. One week before the application was to be considered the County Surveyor asked for the parking provision to be further increased to 50 spaces and the proposal was amended accordingly (plan A). On the day before the application was submitted to the committee a letter was received from the County Planning Officer stating that the design of the building was unsatisfactory, on the day of the committee meeting an article 10 direction was received and the committee decided to refuse permission contrary to the Borough Planning Officer's recommendation (documents 10-12).

7. The 3 reasons for refusal are astonishing. The first relates to the green belt but the committee had already agreed that the church was a suitable exception to green belt policy. The second reason related to the design of the building but this had already met with the full approval of the council's officers. The third reason related to highways but the County Surveyor had withdrawn the objection of the highway authority. If the council had been consistent it would have informed the Secretary of State that it was minded to grant permission and ask for authorisation.

8. The green belt covers the whole area with the notation 'washed over' the whole settlement of Chipperfield. No guidance is given in the structure or district plans as to appropriate locations for churches. Practising religion is however an essential use appropriate to a rural area and must therefore be covered by the exceptions provided in the structure plan for very special circumstances and for the service needs of settlements. The council's views on whether or not the proposed

church is appropriate in the green belt have been confused as it raised a green belt objection to the third application despite the officers' recommendation of approval and the building being smaller and lower whereas it resolved not to object to the second application on green belt grounds despite the recommended refusal. The council's assertion that this church is not covered by the policy exception because it would serve a wider area is also inconsistent with the earlier approval of a large extension to the Two Brewers Hotel, described as "acceptable for the purposes of the green belt policy" (document 23). It is also significant that the Secretary of State approved the erection of a church in the green belt at Watford despite his opinion in paragraph 3 that it appeared to be contrary to the Hertfordshire Structure Plan (document 22).

9. Although only about 12½% of the Catholic households live in Chipperfield, this village is at the centre of the pastoral area and the most suitable location for a church to serve the whole area. The council does not know of any suitable sites available in the excluded areas of Bovington or Kings Langley and location in those settlements would not be convenient or practicable to serve the whole pastoral area because they are on the edges. Even if a suitable site was available in either of these areas excluded from the green belt it would command residential value of up to £300,000 per acre and be too expensive to acquire for a church. The pastoral area is primarily a rural parish and the church can therefore be regarded as an exception to green belt policy as a local service that cannot practicably be met outside the green belt; this was apparently accepted by both the Planning Committee and the Borough Planning Officer. A similar view was taken by the Inspector in allowing a new vicarage at Langleybury (document 21). A church is an institution forming part of the needs of a local community and churches in villages are part of the rural scene. Leisure uses such as riding schools are a townsman's idea of the green belt, but for people actually living there needs comprise schools, shops, churches etc.

10. It is difficult to say where Chipperfield starts and ends and it is not possible to draw a simple boundary to the village. The appeal site directly adjoins the "village core" shown on the informal plan approved by the council (plan P). The fact that the site is not within that area was not referred to in the Borough Planning Officer's reports to committee.

11. The location of the site within a Conservation Area does not prohibit development, but requires it to enhance the area and be of a high standard of design and suitable materials. The Chipperfield Conservation Area is quite large and, although the part around the common is of extremely high quality, much of the rest is not of such quality and close to the appeal site is a brash intrusive garage/car sales building at the crossroads, uninspired modern houses in The Street, inter-war council houses in Dunny Lane and asbestos cement clad agricultural buildings further along Dunny Lane. As there is little prospect of improving or enhancing these buildings, the boundary of the Conservation Area has been drawn too wide and the appeal site has no visual or other relationship with the higher quality parts.

12. The proposed church would not be seen at all from Church Croft or The Street and although the top might be seen over the hedge when coming down Tower Hill the gable ends of modern houses in The Street would be prominently seen. The site is only visible when approaching the main part of the village along Dunny Lane and little of the church would be seen, certainly in the summer (plan H). Its siting on high ground follows rural English tradition and, although some of the reasons for this no longer apply, the requirement for the church to be the most dominant building in a settlement makes its location appropriate. The building would have visual significance but not be intrusive and would fit well into an area where the only interesting buildings are the public house and shop next to the crossroads. The reason for the height of the building being reduced by excavation of its site was to reduce the impact on local residents, not to hide it.



13. When fresh plans were prepared after the delegated authority to approve the second application was rescinded, Mr Westwood carried out discussions with Mr Knapp and the Assistant Chief Planning Officer. It was agreed that the most acceptable design for the church would be a building resembling the traditional country barns common in the district (photos 4-6). After the refusal, a meeting was held which resulted in the highway objection being withdrawn and agreement on the submission of a detailed application based on the council's suggested substitution of roof lights for the dormer windows in order to give a cleaner roof line. The plans submitted with this third application were subsequently amended following requests shortly before the committee meeting for extra parking spaces and for the church to be resited further from dwellings in Forge Close and The Street.

14. Refusal on grounds of inappropriate size and design is unjustified as the design had met with the full approval of officers who recommended approval, the effective height reduced to about 26 ft (7.9 m) by setting the building into the ground would be similar to that of a normal dwellinghouse, and the use of Bovingdon bricks and clay tiles would be in keeping with buildings in the older part of the village. The Assistant Chief Planning Officer asked for the building to be well screened, and existing planting on the boundaries would be left intact and reinforced; a sketch view (plan H) shows the limited impact of the building on the open area. To avoid visual dominance the car park has been designed in terraced form, broken up by substantial blocks of existing and proposed planting and with the ground level of the upper part reduced. The boundary hedge along Dunny Lane would be reinforced so that there would only be a few cars visible through the entrance.

15. The County Planning Officer's criticisms of the design of the church were received only just before the committee meeting. The design concept based on a barn was however suggested by council officers who also requested substitution of roof lights for dormer windows. The presbytery was originally proposed as a separate building but incorporated into the church at the council's request. Criticisms of "liturgical weakness" ignore the advice in paragraph 14 of Annex A of Circular 15/84 that functional requirements within a development are for the most part a matter for the developers and their customers; the proposal was submitted with the full approval of the Westminster Liturgical Committee.

16. Mr Sharp criticised submission of the proposals by Chartered Civil Engineers and Surveyors but Messrs Bird & Stones are affiliated to the Comprehensive Design Partnership and working as a team with fully qualified architects do not have to go out of the firm for architectural content. Mr Westwood, although not yet fully qualified, has 24 years experience with a drawing board and is the project co-ordinator. If Mr Sharp had asked the applicants whether the gallery would be seen cutting across a window he would have been told that the window was proposed to have stained glass. Full details of materials, including windows of the highest quality solid oak, should be covered by conditions requiring them to be agreed. Negotiations suggested by the County Planning Officer did not take place because his letter (document 10) was only sent to the council just before the application was refused.

17. Mr Robinson's assessment of the effect of earthworks (plan U) is based on a 500 mm high retaining wall, but its height is shown as 650 mm on the sections (plan D) which would involve a much smaller effect (plan K). There is no reason why its height should not be increased and at 800 mm only one tree would be affected. The wall could be increased to 1.2 m which would not be seen from inside the church and would not affect lighting. Nor would it affect the external appearance of the building because this part is not seen.

18. A lot of the opposition to the proposed church comes from the people whose houses adjoin the appeal site. It is doubtful whether CRAG can be classed as a

bona fide association because it has no membership list and no rules or constitution and it functions through officers nominated by a group of interested persons. Photographs 29-35 give a misleading impression of the impact of the church on the public because they are mostly taken from points not open to the public. Photo 29 is taken from the roof of the petrol station/garage and photos 30, 31 and 34 from agricultural land. From the viewpoints of photos 32 and 33 the roofs of Forge Close houses are seen.

19. Once the church had been consecrated it could not be used as a social centre; apart from services there would only be a monthly church council meeting. The building would be designed and constructed so that noise occasioned by its use would be contained within it. Noise for a short period from a few cars arriving and leaving on Sunday mornings could not seriously affect adjoining houses; there would be a lot more noise from traffic along The Street and from the public house and petrol station/garage. New planting of species to be agreed with the council would create a natural barrier between houses and the church.

20. Residents have suggested that alternative sites are available for the church. The only one identified however, at Chipperfield Road, Bovington (document 20), is in open farmland within the green belt. It appears therefore that those objecting to the church on green belt grounds would be happy to see it sited on green belt land elsewhere as long as it was not in Chipperfield.

21. The question of whether the former agricultural tenancy has been abandoned or not has no bearing on the appeal. The site is unused, with no sign of any agricultural use for many years. It is shown as scrubland on the ordnance survey and appears unusable. It is impossible to tell whether it is within an Agricultural Priority Area because of the small scale of the map but in any case such an area would be irrelevant because the site is not in agricultural use.

22. Although the reasons for refusal referred to the location adjacent to a busy crossroads as leading to situations of danger, the County Surveyor advised the council that he could not substantiate an objection either on the adequacy of parking space or danger associated with access near the crossroads. Not only is a parish church a low generator of traffic, but its busiest period, on Sundays, is at a time when other traffic activity is at its lowest; this is shown by a Sunday morning count at the crossroads by Mr Dewar (document 25).

23. Access to the appeal site from Dunny Lane (C74) which is derestricted would be about 60 m from its intersection with C75 (Tower Hill/The Street) which is subject to a 30 mph speed limit as is also the continuation of C74 (Chapel Croft). The visibility requirements of the County Surveyor at the site access are complied with. The speed measurements made by Mr Robinson west of this access (document 30a) do not comply with the advice of paragraph 5.2.2 of TA 22/81 that the site of a radar speedmeter should not be near junctions, and were not in wet weather conditions prescribed by TA 20/84. Mr Dewar carried out his own speed check by timing vehicles over a 100 m distance west of the site access (document 30b). This produced an 85 percentile speed of 60 kph for which the visibility distance required by TA 20/84 is 90 m. As the road surface was damp this check can be regarded as taken in appropriate conditions and confirms the visibility requirement of the County Surveyor.

24. Priority at the crossroads is given to C75 by Stop signs, normally approved only where necessitated by restricted visibility. Despite the speed limit on C75, the 85 percentile speed is probably closer to 40 mph and sight lines of 90 m are therefore required at the junction 4.5 m back from the main road. This is achieved from Dunny Lane only towards the south (document 28) but although there is a blind spot looking up Tower Hill it is not large enough for a vehicle to disappear and

does not therefore affect the measurement of visibility distance. The hedge has however grown since Mr Dewar measured this distance in June (document.28b). As the crossroads is an existing junction and not proposed to be improved the recommendations of TA 20/84 do not apply. As the borough council raised a highway objection to the development it is surprising that its Technical Services Department has not made representations to the highway authority that the crossroads should be improved.

25. Of 2 injury accidents which occurred in the vicinity in the 3 years to March 1986, only one was actually at the junction and it can be inferred that the accident rate was well below the national average. Despite its sub-standard layout, the crossroads obviously copes safely and adequately with the demand made on it. Traffic flows on Sunday mornings are relatively light and the small additional flows from the church could be accommodated without difficulty (documents 24-25). The estimated proportion of damage only to personal injury accidents given in paragraph 2.4.7 of COBA 9 (document 35) was based by the Road Research Laboratory largely on information from insurance companies and cannot be relied upon because such accidents are not recorded and many are not the subject of insurance claims.

26. Based on the normal car parking standard for a church, of one space per 10 members of the congregation, the 30 spaces originally proposed would have been adequate for a congregation of about 150. This was subsequently increased to 40 and then to 50 spaces following requests from the county council. The second increase resulted in some reduction in areas available for landscaping so that if 40 spaces were accepted as sufficient these areas could be increased.

27. It is intended that mass should be celebrated in the proposed church at 0900 and 1030 hours on Sundays with an average attendance of 100 persons at each. Mass would also be celebrated at Kings Langley at 1230 hours. With an average of 3 persons per car, based on evidence collected by parishioners, the number of cars would not normally exceed 30; this compares with experience at St Pauls Church in Chipperfield when the actual number of cars parked during mass is said not to exceed 20. Only at Easter, Christmas and other special occasions would the number of cars be likely to approach 50. Weddings at Chipperfield are about 3 per year with a maximum of 4, and in a typical year there are 2-3 funerals and 12 baptisms. The average attendance at weddings is 50-60.

28. There are no recommendations for maximum gradients in car parks laid down by the county and borough councils and the only information Mr Westwood could find related to driveways to dwellings where a gradient "not steeper than 1 in 10" was considered desirable. The proposed gradient of 1 in 15 would be less than that. According to an architect's handbook a gradient of over 12% (1 in 8.3) could be difficult in icy weather but no such gradient is proposed. The recommendations of the Joint Committee (document 37) expressly relate to multi-storey and underground car parks. Natural gradients are preferred for the car park but if flatter gradients were considered necessary there are various ways in which they could be achieved. This might involve retaining walls in the car park which would affect its appearance and if the car park was lowered it would be necessary to lower the church also otherwise the ramp in between would be too steep.

29. It was stated on behalf of the council that Chipperfield is a village of about 1750 population roughly midway between the larger villages of Kings Langley and Bovington. It has no clearly defined boundaries and from the main body north and east of the appeal site development extends into the surrounding countryside. Adjoining the site are 2 groups of relatively modern houses but in general buildings in the village are of considerable age with some of listable quality. The whole of the village is within the approved metropolitan green belt and a large part, including the appeal site, is in a designated Conservation Area (plan M).

Before the present series of applications for a church the only 2 significant applications involving the site were for residential development, both refused; the second was also the subject of a dismissed appeal (documents 5-6, plan 0).

30. Relevant planning policies are contained in policies 1, 2, 15, 18, 44 and 51 of the structure plan (document 14) and policies 1, 4, 5, 9, 14, 19, 24, 75 and 76 of the adopted district plan (document 15). The prime aims of these policies in the circumstances of this appeal are to maintain control over development in the green belt and to protect environmental qualities associated with the predominantly rural location of the site close to a modest village and within a Conservation Area. The principal concern of the council in this case is the conflict between the hopes and aspirations of the appellant and the environmental quality expected by local residents and the public having regard to the location in the green belt and Conservation Area.

31. Within the green belt there is a presumption against any form of development not associated with agriculture or small scale leisure facilities. Policy 2 of the structure plan, as amended, provides exceptions only in very special circumstances for the construction of buildings for purposes other than agriculture, small scale facilities for sport/recreation or other uses appropriate to a rural area. These exceptions are somewhat modified in policy 1 of the district plan and cover leisure purposes, when appropriate to the area and unable to be located in urban areas, and other uses appropriate to the green belt. The proposed church could therefore be acceptable only if regarded as a leisure facility or as a use appropriate to the green belt. The essence of policy 4 of the district plan is that development will only be permitted in rural green belt settlements if it is essential and cannot be located elsewhere, with emphasis on the needs of the individual settlement.

32. The council does not accept that the proposed development fulfils the policy criteria because it is not an accepted green belt use, the site is merely a convenient place for meeting the needs of the wider area, and references to inability to afford to build the church on land with residential value and to the gift of the site by Lord Forte suggest that the need to develop this land comes down to fiscal terms. The extent to which the church would meet the service needs of the particular settlement was not established until information was requested by the County Surveyor. This showed that only 18 out of the 142 Catholic households in the pastoral area live in Chipperfield, and the great majority live in Kings Langley (68) or Bovingdon (42). Assertions that it is a service need or local facility for the individual rural settlement of Chipperfield cannot therefore be substantiated, particularly as the specific needs of Catholics are currently met in the village church. The desire for a central place for Catholic worship is fully appreciated but it does not constitute a strictly local need and, although a village church is part of the rural scene, there is no conclusive justification for a third one in Chipperfield.

33. Policy 9 of the district plan provides that in order to give priority to agriculture and conserve natural habitats and the character of the countryside permission will not normally be granted for recreational or other development in Agricultural Priority Areas. Although the appeal site has not been used for agriculture for some time and had become overgrown and untidy, now that the undergrowth has been cleared very little further clearance and cultivation would be required for a reversion to agriculture.

34. In paragraph 3 of the Watford decision (document 22), the Secretary of State did not accept that the church proposed involved small scale recreation facilities or other uses appropriate to a rural area. The Watford permission is not a precedent for the present appeal because it related to a 3-acre site, whereas the

present proposal for a church and car park on 1 acre does not involve extensive grounds, and clearance of very large ruinous glasshouses at Watford provided planning gain not involved at Chipperfield.

35. The proposed church would be conspicuous because of its height and siting on land above the level of Dunny Lane. The hedgerows on the site would do little to reduce the impact on that road or Tower Hill. It is particularly important to retain the essentially rural character of the area because of its inclusion in a Conservation Area, and the location of the site at the edge of the Village Core as shown on the non-statutory plan approved for development control purposes (plan P). Development might have been regarded as acceptable for a site within the Village Core where policy 5 of the district plan provides that permission may be granted for small scale residential development.

36. Paragraph 38 of circular 23/77 refers to the need to ensure that development accords with the special architectural and visual qualities of a Conservation Area and paragraph 39 suggests that special regard be given to architectural matters including bulk, height, materials and design. The site of the proposed church slopes steeply up from the road and adjoins a group of 5 houses fronting The Street which attain a reasonable standard of design. The character of the Conservation Area at this point is predominantly open and objection arises to the church because of the impact it would have on the rural scene.

37. The County Planning Officer maintains a team of conservation and design specialists to advise district councils on development proposals in Conservation Areas, and they also advise on submitted designs. The borough council's request for advice on this application was submitted to the Architects' Advisory Panel which criticised the proposals (document 9); negotiations suggested did not however take place. Criticisms included poor siting with the car park in front, symbolic and liturgical weakness, roof too heavy, windows too small and ill-defined difference between the church and presbytery. There was concern about the lack of information including any indication of the appearance of the interior of the church.

38. Mr Sharp is surprised because the design appears to have been produced by Chartered Civil Engineers and Surveyors, not a firm practising as architects, and is supported by Mr Westwood who is not a fully qualified architect. Although recognising the need for the eastern position of the altar, Mr Sharp considers that the church canted across the high part of the site would present a formidable building mass, its design is characterless and unimpressive and the car park in front, albeit at a lower level, would be an eyesore. Merging the church and presbytery creates internal problems of scale and, without plans showing sections through the building, it is not clear whether the balcony would show through a window. The importance of detailing appears to have been underestimated, with a lack of imagination in the use of materials, little information on types, materials and profiles of the windows and whether glass would be clear or coloured, and mechanical treatment of the coursing of the brickwork and tiling failing to reflect the spirit of the church.

39. Because of its closeness to houses in The Street and Forge Close, the church would appear as a dominant feature despite being sunk some 3 m into the slope behind Forge Close. It would greatly reduce open views from these dwellings and, although normally such views cannot be protected by planning control, their retention would have been expected because of the green belt and Conservation Area.

40. Although the County Surveyor has raised no objection in principle to the development the borough council considers that the volume of traffic generated would cause congestion at an already busy crossroads junction and lead to situations

of danger. Both roads at the junction are local distributors but priority is given to Tower Hill/The Street. Visibility at the approaches of Dunny Lane and Chapel Croft is well below the standard recommended in TA 20/84 for the road subject to a 30 mph speed limit of 90 by 9 m (document 31). Although the 9 m dimension can be reduced to 4.5 m on lightly trafficked junctions, or an absolute minimum of 2 m in exceptionally difficult circumstances, the 90 m dimension should always be provided. Application of these recommendations to the crossroads shows that visibility even from 2 m back from the carriageway is substandard (document 28a).

41. The crossroads also fails to meet the requirement in paragraph 1.6.1 of the county council document Residential Roads in Hertfordshire (document 32) for footways on both sides of the carriageways of local distributor roads and, in particular, pedestrian access to the appeal site from the crossroads can only be achieved by walking on the carriageway. Chipperfield is a picturesque village and some people may well walk from the church to enjoy its amenities and some residents will prefer to walk to church. The lack of a footpath together with the poor visibility is considered a potential hazard to pedestrians.

42. Automatic traffic counter results at the beginning of July show slightly higher Sunday morning traffic than those counted by Mr Dewar on 1 June (document 26). Although only one injury accident was recorded at the junction in the 3 year period (document 22) the increased vehicle and pedestrian movements resulting from a church in Dunny Lane would add to potential hazards there. As the application does not provide for any improvement of the crossroads, the development is considered unacceptable.

43. A list of suggested conditions has been prepared for imposition should the appeal be allowed (document 40). It is suggested that a section 52 agreement should also be entered into covering resiting of the bus shelter affected by the development, restriction of the occupancy of the dwelling to an official of the church, the provision of visibility splays and the provision of footways on the corners of Dunny Lane and Chapel Croft with The Street.

44. Objection is made to the proposed development by Chipperfield Parish Council and by Chipperfield Residents Action Group (CRAG); this group was established in May 1985 to protect the environment of the village and, in particular, to resist erosion of the green belt around it. CRAG does not have a formal constitution or membership list but its officers are nominated by a group of local people who set it up and others interested in the area; contributions to its funds have been made by about 210 individuals. The parish council objected to all 3 applications (document 41) and, although CRAG did not exist at the time of the first 2, many of the people who subsequently founded it were active in lobbying against them; a comprehensive survey, which showed that 68% were against the church and only 13% were in favour, was organised and sent to the borough and county councils (document 42). In response to the third application an independent assessment was sent to the borough council on behalf of CRAG, whose Chairman sent a separate objection (document 43). Few of those who signed the petition supporting the church live in Chipperfield.

45. The major policy constraints of the green belt, Agricultural Priority Area and Conservation Area result in a very strong presumption against any form of development on the appeal site. It is significant that, unlike Bovingdon and Kings Langley where the green belt boundary has been drawn around the built-up areas, the green belt notation is 'washed over' the whole village of Chipperfield. This is part of the original green belt in the 1958 county development plan and particularly vulnerable, being relatively close to London and close to a M25 junction under construction.

46. The priority to the needs of farming and forestry over other uses given by structure plan policy 18 in Agricultural Priority Areas is particularly relevant

to the present case as the appeal site appears to be potentially productive agricultural land. Agricultural tenancies on the site have been in existence since the 1930s and subsequently passed to the tenant's son. The gift of the site by Trust House Forte was subject to all subsisting tenancies and a tenancy is claimed (document 49). The reason for the lack of agricultural use was the inadequate cesspool of the hotel in the early 1930s which overflowed.

47. As the site is within the heart of the Conservation Area it is subject to policies which include preservation of group value. The open land between and around buildings is fundamental to such value and subject to constant pressure from developers. The 1986 structure plan review also introduces the concept of Landscape Conservation Areas where policy 6 provides that development detrimentally affecting the landscape will not be acceptable. Although the review provides for the boundaries of such areas to be defined in local plans, the Key Diagram indicating their general extent suggests that this part of Chipperfield is expected to be included (plan R).

48. The prominent location and topography of the site, and the mainly deciduous nature of such screening as exists, make it necessary to scrutinise extra carefully any exception to green belt policies. Of the categories that may in appropriate circumstances be permitted, the proposed development does not involve mineral extraction, agriculture or extensive grounds, a church was not considered as catering for recreation in the Watford appeal decision, and the building cannot be classed as small scale or, despite the presbytery, meeting housing and employment needs. A need such as to override planning policies cannot arise because the church has chosen a particular pastoral area or cannot afford a site within a development area. As only 18 of the 142 Catholic households live in Chipperfield, the exception for local facilities and service needs of the settlement where development is proposed cannot apply. The proposed development would do demonstrable harm to interests of acknowledged importance and as it is not covered by exceptions to green belt policy allowing the appeal would set a damaging precedent. No such precedent arises from the permitted extension to the Two Brewers Hotel as it is very much in the built-up core of the village, it was an extension of an established business, and the need for tourism facilities is generally accepted.

49. Chipperfield is not even central in relation to local populations or Catholic households (plans S and T). An analysis of existing church provision (document 46) suggests that local people are served by a relatively dense network of churches and, although the 3 in this vicinity belong to other denominations, there is no reason why sharing arrangements could not continue. It would be perfectly feasible for the needs of Catholics to be met in an urban setting as most of the congregation must have transport available and Chipperfield is badly served by public transport (document 36). As mass would continue to be celebrated in Kings Langley, the obvious place for a new church is Bovingdon.

50. Visual impact on the Conservation Area is a primary concern because the site is high, sloping and visible (photos 29-35). The church would be seen from many points accessible to the public including Dunny Lane and the footpath between it and the common, Tower Hill and the primary school grounds. It would be large in relation to other village buildings (document 48) and its size would be emphasised by siting at least 4 m above the level of Dunny Lane, the large expanse of pitched roof and the smaller scale of the 2-storey houses nearby. It would be an incongruous element, particularly because of its urban design and the substantial surfaced car park in front.

51. The site is too small for more than a minimal landscaping scheme, and lowering of the church as proposed would involve removal of a substantial amount of the

existing screening; even with the steepest possible slope of 1 in 2 for the earthworks the excavations would extend up to, and with a more reasonable slope of 1 in 3 they would go beyond, the site boundaries (plan U). The extent to which the proposal is ill-prepared, despite the application being a full one, is shown, firstly, by varying figures given by Mr Westwood for the height of the retaining wall, ranging from 610 to 1400 mm, and the site sections (plan D) fail to cover the critical points where the building would be closest to the boundary. The 1200 mm maximum height as stated later would make the church dark and affect its external appearance.

52. Secondly, the pedestrian ramp down to the car park has a 5.6 m length, starting only 2 paces from the church entrance, with a gradient of 1 in 7 whereas the steepest pedestrian ramp ever used is 1 in 8. Thirdly, some of the parking bays have a cross-fall of 1 in 15 which compares with a maximum gradient of 1 in 20 recommended by the Joint Committee of the Institutions of Structural and Highway Engineers (document 37). A cross-fall in a parking space is particularly unfortunate because on the downward side doors swing open and damage other vehicles and it is difficult to get into the car, and on the upward side it is difficult to open the doors and to get out of the car.

53. The development would be particularly visually intrusive so far as residents of the houses in between the appeal site and The Street are concerned. Residents would suffer also from noise and fumes because the car park would come very close to the boundaries of their gardens. Emissions would be all the more unpleasant because they would be concentrated, coinciding with the times of services or other events in the church. There is especial concern that unless prevented by specific control such as a section 52 agreement, the church might be used for wider purposes such as a social centre.

54. Sight-lines at the crossroads junction between Dunny Lane and Tower Hill are well below the required standard as shown by the agreed plan (document 28a). The use of Stop signs instead of the normal Give Way ones at this junction shows that the highway authority considers that visibility is severely sub-standard. CRAG has carried out a survey at the junction during a Friday evening peak period (document 27). As Mr Scott's evidence has dealt with the inadequacy of the crossroads, Mr Robinson's evidence is primarily concerned with the access to the site and adequacy of the parking provision.

55. Dunny Lane is subject only to the national 60 mph speed limit for single carriageway roads, measurement of the speed of traffic approaching the site from the south-west with a radar gun showed that the 85 percentile speed was 43 mph (69 kph) and the highest speeds 58 mph (document 30a). According to TA 20/84 the appropriate visibility splay for this speed of traffic is 120 m (document 31). From the available information the necessary visibility cannot be obtained within the appeal site or highway limits.

56. Mr Dewar's speed check (document 30b) cannot be as accurate as that by radar gun because one person on his own cannot start and stop a watch at the exact moments when vehicles pass 2 points 100 m apart; there are also parallax errors and speeds were recorded only in 5 kph steps. Measured speeds have to be rounded up to the next design speed step so that only a very small underestimate in Mr Dewar's figure of 60 kph would introduce a requirement for a 120 m visibility distance.

57. As over 90% of the Catholic congregation live more than 2 miles from the appeal site, and there is no public transport to Chipperfield on Sundays (document 36), it is estimated that 95% would travel to church by car. Although the layout of the proposed church (plan C1) could easily be amended to accommodate



200 persons, the parking need has been assessed only on the basis of accommodation for 160 currently proposed. Based on average figures obtained from a CRAG Survey of Catholic congregations in the pastoral area (document 45), 70 parking spaces would be required, and the 50 spaces proposed would therefore be insufficient for normal use of the church and seriously inadequate at major events such as weddings.

58. A need for parking provision above minimum standards arises because of the dispersed congregation, absence of public transport on Sundays and potential obstruction and danger which would result if parking took place on the local roads. Parking on the 5.6 m wide carriageway of Dunny Lane would not leave sufficient space for other vehicles to pass and parking in The Street or Tower Hill would worsen present poor visibility at the crossroads. Although only 2 personal injury accidents were recorded in 3 years, records kept by local residents show that there were 17 accidents in the year to May 1986 and 20 in the previous year. It is normal for there to be 5 times as many non-reported damage only accidents as personal injury accidents so that the residents' records show that the accident rate at the junction is higher than it appears. Increasing traffic at this junction, particularly on the side roads with poor visibility, can only exacerbate matters. Although the County Surveyor did not object to the application, he did not have the information on visibility or the CRAG accident record.

59. The inadequate capacity of the car park would be made worse by its unsatisfactory layout which would not allow cars to drop worshippers and continue out of the car park in forward gear. Reversing in order to turn round would be dangerous and also more difficult when the spaces were full. This difficulty would also apply to wedding and funeral cars. Two cars could not pass comfortably in the curved access.

60. The proposals are clearly ill-prepared and although the appellants refer to changes that could be made, such as further lowering the site of the church and redesigning the car park, this is a full application and could be implemented if permission was given. Before such permission was contemplated within the Conservation Area, it should be known what the development would look like, how the car park would be laid out, what trees and shrubs would be destroyed and what landscaping is proposed.

61. Dr M MacConaill has lived and worked in the area for 20 years. Her practice covers the pastoral area and she is well acquainted with it. She has passed through the crossroads at all times of the day and night and does not find it dangerous or difficult to enter from any of the roads. Not all parishioners have cars and the church should be where it is most immediately available to all, including those cycling.

62. For many years Catholics in the area have had no place of their own for worship and although allowed to use churches of other denominations have no security of tenure; there would be no accommodation available if they were asked to leave. After many years of inadequate or borrowed premises it is essential to have a church of their own. It is not just a question of mass but of going to the church to pray, and visits also provide a convenient opportunity to meet and converse with friends.

63. Councillor S Cox considers that there is no geographically ideal location for a church.

64. Mr H B Morkil opposes the development because this steep site is a lovely field giving great pleasure to people living in the village. Birds building their nests there would be displaced by tarmac, cars and a church. As reference has been made to a congregation of 150 which is increasing, he does not know whether the church would be large enough and suspects that this is only the first stage of proposals.

65. Mr M McDonnell who goes regularly to church in Bovingdon believes that a Catholic church is needed in the area. Mass on Sundays is only part of religion and there is a need for somewhere to meditate and pray. There are some 12 churches in the area available to other denominations and although Catholics are welcome guests it is not the same when you cannot feel at ease. Sometimes people have to stand and circumstances are not ideal if there is no seat and the surroundings are not familiar.

66. The noise level from a church could not affect many people. For a Christian community the sound of people coming to church cannot be classed as unreasonable.

67. From my inspection of the site and its surroundings, and consideration of the representations made at the inquiry and in the letters received (including some letters received after the inquiry which do not affect my decision), I am of the opinion that this case turns on 4 issues. These are whether circumstances in this case are such as to outweigh the normal presumption against building development in the green belt, the effect of the development on the Conservation Area and the rural area adjoining the site, the effect of the building and car park on local residents and whether the development would result in an unreasonable increase in potential highway danger and obstruction to traffic flow.

68. On the first issue, Chipperfield is a widely dispersed village and, although there is a core of mainly older development north of the central part of the large common, large and small groups of mainly residential development are spread around it, many separated from the core by open agricultural land. The appeal site comprises derelict land adjoining the village core which at this point contains modern housing development fronting The Street and Forge Close created by redevelopment or subdivision of former large curtilages north-east of the site. Although the other 3 sides of the site adjoin open land a ribbon of development along the opposite side of Dunny Lane starts within 50 m south-west of the site, there is a primary school building, village hall, club, garage and hotel between 100 and 200 m south-east of the site, a group of dwellings and public house within 200-300 m to the south, and south-west of the site a small group starts about 370 m from the site and a large group starting about 700 m from the site comprises virtually a satellite settlement. On the northern corner of the crossroads is a modern garage/petrol station with large car sales forecourt.

69. The approved metropolitan green belt notation covers the whole of the area, with no exclusions for the developed areas of Chipperfield or for its future needs. The proposed church is not covered by any of the specific exceptions to green belt policy set out in the structure and local plans. There is no express provision for churches and, although for rural settlements within the green belt the structure and local plans provide exceptions for local facilities and service needs, they must relate only to the particular settlement. The proposed church would serve an area much wider than Chipperfield so that justification for overriding the presumption against development in the green belt must depend on whether circumstances are adjudged to be very special.

70. In my opinion there is a strong need for a Catholic church in this area as there are none in the pastoral area and, although services can be and are held in churches of other denominations, this imposes constraints because of the need to fit service times in with those of the host church, it would be unreasonable to expect agreement to alterations to the interior of the church to meet the special requirements and traditions of the guest church and the requirement of the congregation for somewhere to meditate and pray is not satisfied.

71. The only parts of the pastoral area where a church could be built without infringing green belt policy are the excluded areas of the larger settlements

of Kings Langley and Bovington. These villages are however on the edges and opposite sides of the pastoral area, and there is no evidence that a suitable site for a church is available within either of their excluded areas. Chipperfield is roughly at the geographical centre of this largely rural area and therefore well placed to serve the whole of the pastoral area. In my opinion it is reasonable to accept the need for a Catholic church in Chipperfield as involving very special circumstances sufficient to justify an exception to green belt policy despite the need not being related to Chipperfield alone nor, since it is a small settlement, to more than a small part of the Catholic congregation.

72. A further point arises because the appeal site is not within the Village Core. The boundaries of this area although approved by the council for development control purposes, have not been the subject of public consultations and consideration of objections and relate to the area where small scale residential development may be approved under policy 5 of the district plan. The appeal site however adjoins the boundary and the fact that it is not actually within the Village Core was not included in the reasons for refusal. Subject to consideration of the impact of the proposed development on the rural area surrounding the core, which I deal with in the next issue, I do not regard the location of the site just outside the Village Core as in itself a reason for refusal.

73. On the second issue, the Chipperfield Conservation Area is very wide-ranging and a large part comprises neither the old and attractive part of the Village Core nor the beautiful common. The appeal site although within the Conservation Area is not seen in the context of the attractive buildings in the village centre and does not in my opinion itself contribute to an area of special architectural or historic interest. The role of the Conservation Area at this point, as I see it, is to ensure that any new development does not impinge upon or affect the appearance and character of such an area. Although the proposed church would be seen from the playing fields behind the modern primary school building, it is unlikely to be seen from, and would not have a harmful effect on, the appearance of the attractive village centre. It would be unlikely to be visible from The Street, Chapel Croft or Kings Lane and in my opinion the appearance of the area of special interest would not be affected.

74. So far as the rural surroundings of the village are concerned, the church would be seen on the approaches along Dunny Lane and Tower Hill; both roads are mainly rural in character but included in the Conservation Area. Approaching Chipperfield along Dunny Lane, bends in the road conceal the appeal site until just before the ribbon of pre-war development is reached. Because of the height of the church and of its site it would be seen from this direction but would be partially screened and views would take in 7 pairs of council houses and a bungalow; there are also glimpses through existing vegetation of the roofs of some of the modern houses in The Street and Forge Close. There would also be some glimpses of the church from a public footpath crossing a field south-east of Dunny Lane but views from it in one direction take in also the council houses and in the other direction houses in Queen Street. Coming down Tower Hill, which forms a mainly rural link between Chipperfield and a satellite settlement to the north-west, part of the church roof would be seen over the tall roadside hedge but views take in also a series of gable ends of modern houses fronting The Street and the front of a large modern house in Forge Close. Most of the photographs put in by CRAG which include balloons to show the height of the church are taken from points to which there is no public access (photos 29-31 and 34-35) including from the upper parts of buildings (photos 29 and 35). From my inspections of the area, there appear to be no truly rural parts of the village surroundings to which there is public access and on which the church would have a serious impact.

75. Some of the criticisms of the design of the church made in the County Planning Officer's letter and based on the panel's advice (documents 9-10), such as symbolical

and liturgical weakness, appear to be matters more for the concern of the applicant than planning control and I note that the proposal was submitted with the approval of the Liturgical Committee. Criticism of the shape and size of the building and the use of roof lights can be regarded as somewhat unfortunate because they result from advice given by officers of the borough council. The suggestions that the church should be disguised as a rural barn and that it should be combined with the presbytery as a single building have made it rather large and tall and, because the car parking requirements have necessitated siting on the high part of the site, it could not be fully screened. As I have already pointed out however I do not consider that it would have a serious impact on the rural area or Conservation Area and in my opinion an alternative approach of designing the building to reflect its actual function and of providing landscaping to complement rather than attempt to screen it would have been equally valid. Although the lack of details of the appearance of the church in this full application was criticised, it was accepted on behalf of the appellant that a requirement to submit such details would be appropriate.

76. Careful consideration needs to be given to the layout and screening of the car park to avoid difficulties like cross-falls in the parking spaces which might discourage their use and to reduce the impact of the surfaced areas and cars on the surrounding area. Nevertheless, on the first point the difference between the recommended maximum gradient of 1 in 20 and the proposed 1 in 15 represents only a level difference of about 0.04 m or just over 1½ ins in the cross-falls over each parking space and I have no doubt that this could be at least eliminated by detailed 'moulding' of the levels of the spaces. On the second point to ensure that the greatest use is made of opportunities for screening it would be desirable for an approved scheme of landscaping to be implemented.

77. On the third issue, it is not the function of planning control to seek to protect the views enjoyed by residents over other persons' land. Although the inclusion of the modern houses in The Street and Forge Close and the adjoining appeal site within the green belt and Conservation Area may well have given rise to expectations that open views would be retained, the purpose of neither is related to the protection of open views from houses. In my opinion the church would not seriously overshadow or affect the daylighting of the adjoining properties because the closest part would be over 15 m from the nearest garden and over 30 m from the nearest house and would comprise a corner of the building sited about 1 m below ground level and with an eaves height of about 5 m. The ridge of the church, about 10 m above ground level, would be about 20 m from the nearest garden and over 38 m from a house.

78. On the assumption that the church would be used only for public worship, religious instruction and monthly church council meetings as proposed there is no reason to believe that there would be any serious effect upon adjoining residents. Nevertheless some of the parking spaces are close to back gardens and if the church were to be used for social activities residents could well be subjected to unreasonable disturbance. I appreciate that use for social activities is neither proposed nor permissible after consecration but I consider it desirable to safeguard against the possibility, however improbable, of a change in circumstances resulting in the introduction of other activities included in Use Class XIII.

79. Although an appreciable amount of the opposition to the development by local residents comes from those adjoining the site whose present open views would be affected, much appears to relate to fears of the consequences of allowing an exception to green belt policy. In my opinion however circumstances in this case are sufficiently exceptional to avoid the establishment of any serious precedent.

80. On the fourth issue, the County Surveyor has raised no objection to the present proposal which includes a car park whose capacity was increased to meet his

requirement and visibility splays which he requested. Speed measurements carried out by Mr Robinson south-west of the proposed access do not comply with Departmental Advice Notes TA 20/84 and 22/81 in that they relate to dry weather conditions and a radar speedometer was used near a junction. I find it difficult to accept that a 95 m visibility distance would be inadequate to protect the site access from vehicles approaching the crossroads controlled by a Stop sign, or that 70 m would be inadequate to protect against vehicles turning into Dunny Lane.

81. As it is proposed that mass should be celebrated twice on Sundays at the new church and once in the borrowed premises in Kings Langley, there is no reason to believe that the 50 parking spaces proposed would be inadequate. In my opinion it would be unreasonable to require the provision of a larger car park to cater for the very infrequent occasions when more than this number of spaces might be required, such as a large wedding. It is unlikely that there would be any serious problems of obstruction of traffic or increased danger due to parking in local roads because the car park was full.

82. Although visibility at the crossroads is below the recommended standards for the construction of a new junction or improvement of an existing one, there are in my opinion insufficient grounds for objection to the proposed church, as it would generate traffic movements mainly on Sundays when other traffic was low and entry to the junction from the side roads is controlled by Stop signs. While it would be desirable for the break in the continuity of the pavement between The Street and Dunny Lane (photo 22) to be rectified, this has not been referred to by the County Surveyor and I do not consider that the absence of a pavement in the village where most roads have only one pavement and some have none is likely to involve such danger as to require development to be refused.

83. I have taken into account all the other matters raised at the inquiry and in the letters received but none of them outweigh the considerations which have led to my decision. I see no need for a section 52 agreement for matters capable of being covered by conditions.

84. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a Roman Catholic church and presbytery with associated car parking facilities in accordance with the terms of the application (No 4/0714/85) dated 12 June 1985 and the plans submitted therewith, subject to the following conditions:

i. The development hereby permitted shall be begun not later than 5 years from the date of this letter.

ii. 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 those to be retained, together with measures for their protection in the course of development. 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 use of the church, the occupation of the presbytery 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.

iii. No development shall take place until full details of the materials to be used in the proposed building and which affect its external appearance have been submitted to and approved by the local planning authority.

iv. Full details of the road works proposed shall be submitted to and approved by the local planning authority before any work is commenced on the site, and the church shall not be used or the presbytery occupied until a means of access has been constructed and the bus shelter relocated in accordance with the approved plans.

v. The church shall not be used or the presbytery occupied until the area shown for parking on plan No 5584/002A has been drained and surfaced, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

vi. The church shall be used for public worship, religious instruction or church council meetings and for no other purpose (including any other purpose in Class XIII of the Town and Country Planning (Use Classes) Order 1972, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

vii. The occupation of the presbytery shall be limited to an official of the church.

85. Attention is drawn to the fact that 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 approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

86. The developer's attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

87. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

88. I have reported your application for costs to the Secretary of State.

I am Gentlemen  
Your obedient Servant

*HMA Stedham*

H M A STEDHAM ARICS FRTP  
Inspector

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