

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

## DACORUM BOROUGH COUNCIL

To R E & C R Manning  
Tudor Croft  
London Road  
Dunstable

..... One Dwelling - OUTLINE .....

at Adj 5 Rowbeech Cottages .....

Watling Street, Kensworth .....

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 ..... 14.6.85 ..... and received with sufficient particulars on ..... 11.7.85 ..... 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 a rural area beyond the Green Belt on the Dacorum District Plan wherein permission will only be given for development for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.

Cont.

Dated ..... 15th ..... day of ..... August ..... 1985 .....

Signed .....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

#### NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of 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.

- (2) The Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policies of the local planning authority seek to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of these policies.
- (3) The Secretary of State directs that permission be refused because visibility from the proposed access is below Department standards.

Dated 15th August 1985

Signed



Chief Planning Officer.



# Departments of the Environment and Transport

Eastern Regional Office

Charles House 375 Kensington High Street London W14 8QH

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16379

CHIEF EXECUTIVE  
OFFICER

15 MAY 1986

File Ref. ....  
Re: or to CPO 11375  
Clerk to .....

C and R Manning  
Tudor Croft  
London Road  
Dunstable  
Beds  
LU6 3EA

Your reference

Our reference  
APR/A1910/A/85/42032  
Date Ref.

15 MAY 1986  
D.P.

Ack.

Admin. File

Received

15 MAY 1986

Comments

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36  
APPLICATION NO 4/0742/85

1. I am directed by the Secretary of State for the Environment to refer to your appeal against the decision of Dacorum Borough Council to refuse outline planning permission for one dwelling on land adjacent to 5 Rowheech Cottages, Watling Street, Kensworth, Beds.
2. The written representations made in support of the appeal and those of the Council have been considered. A Planning Inspector has visited the site and has furnished a description of it. A copy of his report of the site visit is annexed to this letter.
3. You submit that because of its impracticable size and shape, the appeal site is not suitable for agricultural use and that the occupants of the adjacent cottages would object strongly to the use of the site for recreation or sport as referred to in the refusal of permission. Against this, you say you do not envisage your neighbours experiencing any problems if the proposed cottage-type building were erected on the site, since you already have a caravan of long standing there and spend a great deal of time growing vegetables and soft fruit on the plot. It is your contention that the proposal would not harm in any way the Chilterns Area of Outstanding Natural Beauty, since the site is totally hidden from the road by the surrounding high hedge except when seen through the double gates on the access driveway. You are of the view that if the hedge were left intact and the house were built in keeping with the rural surroundings, it would greatly enhance the area. Nevertheless, you undertake to consult the Council on all associated building matters.
4. In your view, the Council's objection on access grounds is irrelevant as your neighbour has his driveway adjoining yours alongside the dividing wall. Nevertheless, you are prepared to move the access to a point where the maximum visibility could be achieved, if necessary.
5. The Council say that the appeal site lies in a rural area beyond the Metropolitan Green Belt where Policy 2 of the Dacorum District Plan states that development will not normally be permitted unless it is for the purposes of agriculture or forestry, or for other uses appropriate to a rural area. They also point out that the site lies in the Chilterns Area of Outstanding Natural Beauty to which Policy 21 of the Hertfordshire County Structure Plan Alterations No. 1 and Policy 23 of the District Plan apply, which aim to preserve the natural beauty of the landscape, encourage agriculture and conserve wildlife. The Council consider the countryside alongside Watling Street between the M1 junction 9 at Friars Wash and Dunstable to be a sensitive and vulnerable area which has been

subject to sporadic development over many years. They consider it important, therefore, that further development should not be permitted unless absolutely essential. They contend that as no special need has been put forward for the dwelling, the proposal is contrary to the planning policies for the area. It is submitted that such pressure for development in this area is recognised in the draft Structure Plan Alterations, proposing an extension to the Metropolitan Green Belt in the Markyate area to link with the Luton Green Belt, proposals which are due to be submitted to the Secretary of State in May 1986.

6. The Council accept that the appeal site is currently bounded by hedges but that any dwelling would nevertheless be visible from Watling Street and surrounding areas and would change the character of the site. Its present disused state would make way for the introduction of a dwelling with the associated drive, gardens and the other accessories to modern domestic life. In their view, the proposed development would create a further intrusion into the countryside, and detract from the appearance of the Area of Outstanding Natural Beauty.

7. The Department of Transport, as the highway authority for the A5 trunk road which the appeal site fronts, directed that planning permission for the proposed dwelling be refused because visibility from the proposed access would be below their recommended minimum standards.

8. Careful consideration has been given to the arguments put forward for and against the proposal and to the Inspector's appraisal. The Secretary of State notes the fact that the appeal site lies in generally open agricultural land within the Chilterns Area of Outstanding Natural Beauty and that it is located on the inside of a short, flat, gentle bend of the otherwise generally straight, busy A5 trunk road. The central issue in this case is whether the need for the proposed dwelling in this particular area is such that it justifies overriding the rural policies of both the Hertfordshire County Structure Plan and the Dacorum District Plan which clearly state that development will not normally be permitted unless it is for the purposes of agriculture or forestry, or for other uses appropriate to a rural area. As the Council explain, this policy does not imply that such development should necessarily take place on the appeal site and the Secretary of State has no evidence before him of any special need which would suggest that the proposed dwelling was essential in the location chosen to the extent that it would justify overriding the rural policies referred to above.

9. You have suggested that the proposal would not harm in any way the Chilterns Area of Outstanding Natural Beauty because of the high hedge surrounding the appeal site but would, in fact, enhance the area with a cottage-type building in keeping with the rural surroundings. However, in his appraisal, the Inspector points out that the proposed dwelling would be seen from the road, particularly at the double gates, or any alternative access of the site, and would appear as a further intrusive feature of built development in the surrounding countryside which he considers to be a worthy part of the Chilterns Area of Outstanding Natural Beauty. The Secretary of State sees no reason to disagree with the Inspector's appraisal.

10. On the question of access arrangements, the Secretary of State observes that the Department of Transport directed that planning permission be refused because of the sub-standard visibility from the proposed access. This directive is endorsed by the Inspector who concludes in his report that due to the site's location on the inside of a bend, no access anywhere on its frontage would be capable of having the normally accepted minimum standard of visibility in either direction along the nearside edge of the road. Your willingness to move the access, if necessary, to a point where the maximum visibility could be achieved

is noted, but as the Inspector has pointed out, the recommended visibility standards could not be achieved, even if you were willing to have work carried out on land within the site boundaries and thus within your ownership or control. In this context, your attention is drawn to this Department's Development Control Policy Note No. 6 which states that on trunk and principal roads outside the urban areas, there is a general presumption on traffic grounds against any development involving new accesses or increased use of existing accesses to these roads.

11. The Secretary of State has noted the Council's reference to the proposed Alterations to the Structure Plan concerning the extension of the Metropolitan Green Belt in the Markyate area but because these proposals have yet to be submitted to the Secretary of State, he cannot give them much weight in this case. For the reasons given above, he concludes that there is no overriding need for the proposed dwelling on this site which would justify setting aside the strict rural policies of the Structure Plan and the Dacorum District Plan.

12. Accordingly the Secretary of State hereby dismisses your appeal.

I am Sir and Madam  
Your obedient Servant

J A BRIERLEY  
Authorised by the Secretary of State  
to sign in that behalf

Tollgate House  
Houlton Street  
BRISTOL  
BS2 9DJ

File Reference: APP/A1910/A/85/42032/P7

To the Right Honourable Kenneth Baker MP  
Secretary of State for the Environment

Sir

I have the honour to report that on 11 March 1986 I held an accompanied site visit into an appeal by Mr R E and Mrs C R Manning under section 36 of the Town and Country Planning Act 1971 against the refusal of the Dacorum District Council to permit an outline application for the erection of a house on land adjacent to 5 Rowbeech Cottages, Watling Street, Kensworth, Bedfordshire.

1. This report contains a description of the appeal site and surroundings and my appraisal of the likely impact of the proposed development. A list of persons present at the site visit follows.

#### THE SITE AND SURROUNDINGS

2. The mostly open overgrown site of about 0.13 ha has a frontage of some 59 m on the north-east side of Watling Street and a width which varies between approximately 30 m at its north-west boundary and 14 m at its south-east boundary. It rises gently from the road, has tall boundary hedges and contains a touring caravan and a few low single storey sheds next to its front boundary hedge. There are a pair of tall iron gates about 3 m wide at the north-west end of the site but there are neither dropped kerbs nor radius kerbs opposite those gates and the site has no hard surfaced access drive.

3. The site lies in generally open agricultural land which slopes up on either side of Watling Street and contains woods, and a few isolated, scattered dwellings, farmsteads and small pockets of other buildings. The nearest settlements are the villages of Markyate and Kensworth which are some 1.5 km away from the site to the south-east and west respectively.

4. Opposite the site on the far side of the adjoining road there is a 2 storey public house and its car park and to the north-west, beyond a small garden, there is a short row of 5 terraced 2 storey houses with a strip of tarmac approximately 3.66 m wide between them and the carriageway of the adjoining road. About 3 m of the roadside wall of the house garden next to the site has been demolished, but there are neither dropped kerbs nor radius kerbs opposite that gap and no hard surfaced access drive at that small garden plot.

5. The adjoining road is a well lit part of the busy, main A5 trunk road. It is generally straight and rises gently on both sides of the site, which is on the inside of a short, flat, gentle bend. At the site, the road has a carriageway about 2.74 m wide between a footpath some 1.8 m wide on its south-west side and a grass margin approximately 3.65 m wide containing a footpath about 0.92 m wide on its south-east side. The road is subject to no traffic restrictions except the national speed limit of 60 mph for single carriageway roads. On either side of the public house opposite the site there are the 2 junctions of the classified II road B4540 and so the carriageway of the main road is divided into 3 equal parts with a white

painted ghost island to cater for right turning traffic entering and emerging from the side road between 2 traffic lanes.

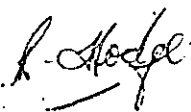
#### APPRAISAL

6. The small site is not within any rural settlement. It is in generally open agricultural land, where it appears as part of the pleasant contrasting rural setting of the nearby public house and short row of 5 houses.

7. The proposed house would be seen from the adjoining road, particularly at the double gates or any alternative access of the site, where it would appear as a further intrusive feature of built development in the surrounding delightful countryside which is worth being designated as part of the Chilterns Area of Outstanding Natural Beauty.

8. Because the site is on the inside of a bend, an access anywhere on its frontage would not have the normally accepted minimum standard of visibility in either direction along the nearside edge of the carriageway of the adjoining road. Those visibility standards could not be achieved by work carried out on land within the site boundaries and in the ownership or control of the appellants.

I have the honour to be  
Sir  
Your obedient Servant



R HODGE FRTPI. DiTP(Notts)  
Inspector

19 March 1986

#### PERSONS PRESENT AT THE SITE VISIT:

Mr A E Markham

- Planning Officer - Dacorum District Council.

Mr R Manning

- An appellant.