



The Planning Inspectorate

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Your Ref: DPB 15052

Our Ref:
T/APP/A1910/A/93/232379/P5

Date: 16 JUN 1994

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY: W.F.BUTTON & SON LIMITED
APPLICATION NO: 4/0757/93

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for change of use to storage, maintenance, repair and hire of building, demolition and civil engineering vehicles, plant and machinery and storage of building materials on land at Pix Farm Lane, Bourne End, Hemel Hempstead, Herts. I held a local Inquiry into the appeal on 24 & 25 May 1994 followed by my inspection of the site and surroundings. At the Inquiry an application was made on behalf of your client for an award of partial costs against the Council. That application is the subject of a separate letter.

2. The proposal before me relates to an area of about 1200m² of land within a larger site of about 2.2Ha. Because the larger site has the benefit of a Lawful Development Certificate for the storage, maintenance, repair and hire of building, demolition and civil engineering vehicles and plant it was agreed that the only part of the application requiring planning permission was the proposal for the storage of building materials. Furthermore, because that proposed use has already commenced I will, in accordance with the provisions of Section 73A of the Act, consider the application as being to retain the development.

3. From the evidence presented, the written representations and my own inspection of the site and surroundings I consider the main issue in this appeal to be whether or not the proposal represents appropriate development within the green belt and, if not, whether there are any very special circumstances in this case, in particular that the proposal would not harm the character and appearance of the site, or

traffic conditions on nearby roads, to justify an exception to the strong presumption against inappropriate development in the green belt.

4. There is no dispute that the appeal site lies within the Metropolitan Green Belt as defined in the approved Hertfordshire County Structure Plan, the adopted Dacorum District Plan and the emerging Dacorum Borough Local Plan. Those plans include a framework of policies which echo advice in Planning Policy Guidance Note 2 Green Belts (PPG2). The local and national policies indicate that within the green belt permission will not normally be given for development except for those uses appropriate to a rural area detailed in paragraph 13 of PPG2. Because the storage of building materials is not included in the categories of appropriate uses referred to in PPG2 I conclude that the proposal would represent inappropriate development in the green belt. Nevertheless I need to consider whether there are any very special circumstances to justify your client's scheme.

5. Other parts of the development plan drawn to my attention include the identification of the site within a Landscape Development Area where the policy objectives seek to improve and enhance the landscape and to minimise the impact of development in the countryside.

6. The Deposit Draft of the emerging Dacorum Borough Local Plan referred to established employment uses, outside recognised employment areas and including sites in the green belt, which may be permitted to remain and develop subject to specified criteria. However, following the recent Local Plan Inquiry the Policy (No 31) has been changed. The proposed modification to that policy now mirrors national advice in PPG2 and makes no reference to circumstances in which inappropriate new development or redevelopment may be allowed in the green belt. In terms of advice in Planning Policy Guidance Note 1 General Policy and Principles, that modified policy must carry considerable weight because there is now a strong possibility it will be adopted unchanged.

7. From the evidence before me the appeal site once formed part of a larger area used for winning and working sand and gravel. When that activity ceased a combination of former user rights, permissions and agreements resulted in the current lawful use, previously referred to, on about the 2.2H of land now occupied by your client. This proposal relates to an area of land, measuring about 40m x 30m, within that site. My attention was drawn to the desirability of making use of reclaimed building materials in the national interest for the preservation and best use of natural resources. Your client's business is that of a demolition contractor which includes salvage and reclamation of materials from working sites. This scheme is to use the appeal land to store building materials.

8. You told me the special circumstance in this case is the existing lawful use of the appeal site. You consider the

replacement of large scale plant, machinery and equipment on the land with storage of building materials in pallets would not harm the appearance or functional purposes of the green belt referred to in PPG2. Your client has already planted trees and would be willing to further landscape the site, so as to improve its appearance and the visual amenity of the area, in accordance with local landscape policy objectives.

9. You claim traffic movements to and from the site are limited and do not cause any environmental disturbance. A recently granted Vehicle Operators' Licence permits the operation of 10 vehicles and 5 trailers from this land. You further drew my attention to a recent survey which indicated a recorded maximum of 10 vehicle movements a day from the site. Nevertheless, there is no restriction on the current use in terms of numbers of vehicle movements. A further extant permission permits the separate use of part of the site for the operation of vehicles with hydraulic platforms.

10. In summary you consider because the proposal would replace the storage of heavy plant and equipment with storage of building materials, on part of a site which is surrounded by a working yard, and there would be no significant increase in visiting traffic, these amount to special circumstances to justify this scheme.

11. Although the current use of the land is lawful and long established I observed that it was a visually intrusive feature in an area of primarily pleasant open countryside. This proposal would result in a further element of storage use which would be inappropriate in the green belt. I also saw that the site, although enclosed by security fencing, was open and prominently visible from the higher level Pix Farm Lane and other public vantage points. The introduction of building materials onto the site, in addition to those things which may already be stored, would, in my opinion, detract from the open aspect and appearance of the land.

12. The site may be used for purposes which include storing vehicles, plant and equipment and materials ancillary to the current lawful use. Landscaping and screening could be provided to further reduce the visual impact of this proposal, although I consider any effective screening would itself detract from the open aspect of the land. The visual impact of this scheme could be mitigated by a restriction on the height of stored building materials, which your client would accept, and which could be required by a suitable condition. Nevertheless, in my opinion, those considerations do not outweigh the harm I have identified to the open and rural visual character and amenity of the area, and its function as part of the green belt, from this proposal.

13. Turning to the likely effect of this scheme on local traffic conditions you drew my attention to advice in Planning Policy Guidance Note 13 *Transport* which refers to a guideline figure of about 5% above which the effect of any increase in

traffic movement on a road is likely to become significant. You told me this proposal would not generate that amount of extra traffic. You estimated about 2 extra vehicle movements each working day might result from it.

14. However, the Council claimed that national guidance refers to Classified Roads and not Unclassified Roads, which do not meet current design criteria, as is the case here. In the Council's view any increase in traffic on the roads serving the appeal site would harm the interests of highway safety. Although little control can be exercised over the number of vehicles using these roads, and I heard evidence of the effects of the recent opening of the A41 by-pass, the Council considers it should not grant planning permission for new development which itself would result in more traffic.

15. You claim most building materials would be brought to and from the site utilising spare capacity in movements of existing vehicles already operated by your client but you agree that some materials would be sold and would be collected direct from the site by customers using vans and trucks. Notwithstanding your low estimate of those additional vehicles likely to visit the site solely because of this proposal, which itself the Council considers would harm the interests of highway safety, no effective control could be exercised over the amount of that extra traffic. Those additional vehicles would have to use narrow rural access roads which, not least because of their narrow width, alignment and absence of separate footways are, in my view, unsuited to further commercial traffic.

16. Because this scheme would generate additional vehicle movements, over and above any vehicles which may already use those unsuitable roads, I share the Council's view and consider that the resulting traffic conditions from this scheme would harm the interests of highway safety and the quiet enjoyment of the surrounding countryside for recreation. Furthermore, I have found no benefits from this proposal to outweigh the harm I have identified to the objectives of green belt policy.

17. You referred to the fact that noise and disturbance, referred to by interested persons but not mentioned in the Council's reasons for refusal, was not a basis for rejecting this application. Moreover, an officer recommendation was to approve your client's scheme. Nevertheless the Council was not bound by the advice of its officers and I heard evidence to support the Council's stance that this proposal would harm the objectives of green belt policy.

18. My attention was drawn to recently permitted extensions at the nearby Three Horseshoes public house at Winkwell but, on the evidence before me, the particular circumstances of that scheme were different. Not least of those circumstances were the replacement of a licensed barge and the provision of improved food preparation facilities. The Council told me it

considered those circumstances outweighed any harmful impact from the built development in that scheme to green belt policy objectives. In any event those extensions would not justify further harmful inappropriate development in the green belt.

19. Taking all these considerations together I conclude the proposal would represent inappropriate development in the green belt. Furthermore, the scheme would harm the open character and appearance of the land and traffic conditions on nearby roads and there are no other very special circumstances in this case to justify an exception to the strong presumption against inappropriate development in the green belt.

20. Although the Council is concerned that approval of this proposal would trigger pressure for expansion of the use, both in terms of scale and method of operation, those changes would require further permission and would need to be considered on their own merits.

21. I have taken into account all the other evidence presented, the matters raised and the written representations, including the views of Mr Robert B Jones MP, the Hertfordshire Conservation Society, the Bourne End Village Association, the Chaulden Lane Residents Association and interested persons, together with all the previous appeal decisions referred to, but I have found nothing to change the balance of my conclusions on the main issue.

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

Yours Faithfully,



FRANCIS FARRIMOND DipTP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

Mr Derek Paul Bromley FRICS - Partner in the practice of Faulkners, Chartered Surveyors, 49 High Street, Kings Langley, Herts. WD4 9HU.

He Called:

Mr H M Button - Appellant.

FOR THE LOCAL PLANNING AUTHORITY

Mrs Amanda Walker - Senior Solicitor, Dacorum Borough Council.

She Called:

Mrs Jane Elizabeth Custance BA(Hons) MRTPI - Senior Planning Officer, Dacorum Borough Council.

Mr Nicholas Frederic Edlin - Engineer, Dacorum Borough Council.

INTERESTED PERSONS

Mrs Pat Beale - Councillor, Dacorum B.C.

Mr A R Dennison - Councillor, Dacorum B.C.

Mr M G Pritchard - Bourne End Village Association.

Mr A Boughen - Chairman, Chaulden Lane Residents Association.

Mr F R Mullin - Local Resident, 122 Chaulden Lane, Hemel Hempstead, HP1 2BS.

Mr J E Wheatcroft - Local Resident, The Maltings, Sharpes lane, Hemel Hempstead, HP1 2RX.

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| Mr T Titford | - Local Resident, River Cottage, London Road, Bourne End, Hemel Hempstead, HP1 2RJ. |
| Mr R F T Simon | - Local Resident, The Cedars, Pix Farm Lane, Bourne End, Hemel Hempstead, HP1 2RY. |
| Mr E Feltham | - Local Resident, Ismay, London Road, Bourne End, Hemel Hempstead, HP1 2RJ. |
| Mrs M R Walsh | - Local Resident, The Hermitage, London Road, Bourne End, Hemel Hempstead, HP1 2RJ. |
| Mrs F Fletcher | - Local Resident, The Cottage, London Road, Bourne End, Hemel Hempstead, HP1 2RJ. |
| Mrs V Slight | - Local Resident, Derrydown, Pouchen End Lane, Bourne End, Hemel Hempstead, HP1 2SA. |

DOCUMENTS

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| Document 1 | - List of persons present at the Inquiry (Day 1). |
| Document 2 | - List of persons present at the Inquiry (Day 2). |
| Document 3 | - Copy of Council's letter of notification of appeal, dated 27 April 1994, and list of persons notified. |
| Document 4 | - Documents attached to Mr Bromley's proof of evidence. |
| Document 5 | - Documents attached to Mrs Custance's proof of evidence. |

- Document 6 - Documents attached to Mr Edlin's proof of evidence.
- Document 7 - Letter from Barbrak Limited, dated 22 October 1993.
- Document 8 - Letters (2), dated 26 January & 23 July 1994, from Hertfordshire County Council, as local highway authority.
- Document 9 - Letter from Hertfordshire Environmental Records Centre, dated 14 January 1994.
- Document 10 - Copy of advertisement, placed in The Hemel Hempstead Gazette, dated 17 February 1994.

PLANS

- Plan A - The application plan, scale 1/2500.
- Plan B - The application plan, scale 1/2500, with additional colouring.
- Plan C - Small scale plan indicating location of new A41 by-pass.
- Plan D - Copy of floor plan of the Three Horseshoes public house, Winkwell, prior to recently permitted extensions.
- Plan E - Copy of floor plan of the Three Horseshoes public house, Winkwell, after implementation of recently permitted extensions.

PHOTOGRAPHS

- Photographs 1 - Folder of 50 photographs indicating appeal site and surroundings.