



Department of the Environment and
Department of Transport

Common Services

Room 1421 Tollgate House Houlton Street Bristol BS2 9 DJ

Telex 449321

Direct line 0272-218950

Switchboard 0272-218811

CFO
CHIEF EXECUTIVE

OFFICER

12 JUL 1983

Messrs Faulkners
Chartered Surveyors, Auctioneers and
Estate Agents
49 High Street
KINGS LANGLEY
Herts WD4 9HU

Your reference

PRF/JLB/2/8653

Our reference

T/APP/5252/A/83/90/FE3

Date

11 JUL 83

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY J W CORNELL
APPLICATION NO: 4/0761/82

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for the erection of a detached dwelling on land at Lodge Aruhna, Water End Road, Potten End. I held a local inquiry into the appeal on 1 June 1983.
2. Although your clients application was made in outline, you also included plans of a 4 bedroom detached house marketed by the Potton Timber Engineering Company, and known as the Gransden, to illustrate the size and type of dwelling proposed for this site.
3. From my inspection of the site and its surroundings, and from the representations made, I consider that the main issues in this case are firstly whether the proposed development would be contrary to proposals for the extension of the Hertfordshire Green Belt and secondly whether the proposal would constitute an acceptable form of development in this part of the village of Potten End.
4. It was the council's case that the proposal was contrary to approved structure plan and draft district plan policies for development within the green belt. Furthermore, although Potten End is a village identified as capable of accepting limited infilling proposals that also satisfied criteria for development in rural areas, your client's site was outside the village core and you had not attempted to justify this proposal on the grounds of a special need associated with agriculture, forestry or other use appropriate to a rural area.
5. On behalf of your client you emphasised that although the previous application for planning permission was refused because the site lay within the proposed extension to the Metropolitan Green Belt, the subsequent appeal was dismissed because the size of the site, which was only some 100 ft in width, was inadequate for the proposed development. You considered that the current appeal site, which had a width of some 150 ft, was now of sufficient size to satisfactorily accommodate a dwelling, a view which the council, in its letter dated 14 December 1982, had not disputed. Furthermore, since the last inquiry, there had been no published changes in planning policy that were relevant to this case.
6. I concur with the view expressed in Appeal Decision T/APP/5252/A/81/3198/G7 that while the character of the appeal site differs from that of the residential area immediately to the west, it is still within the envelope of the village. In my view the eastern boundary of the village on the northern side of Water End Road is

established by the curtilages of the properties on the eastern side of Hollybush Close. Furthermore, as the appeal site is of a similar size to both Brackens and Sugar Lodge, I consider that the proposal would also constitute infilling within this area of low density residential development. The aim of the structure plan policies for the green belt, as expressed in Policy 15B, is to control the growth of settlements and protect the surrounding countryside. I consider that, as this site is within the village envelope, its development for a single dwelling would not constitute a significant growth in the settlement of Potten End or an intrusion into the surrounding countryside.

7. The appeal site forms part of an extensive wooded area fronting Water End Road which contains 2 substantial properties, Lodge Aruhna and Hollybush Wood, together with 2 smaller detached houses, Brackens and Sugar Lodge, the latter having been granted permission on appeal in 1979. These properties each stand in separate clearings within the woodland, and as the distance between Lodge Aruhna and the western edge of the woodland is some 280 ft., I do not consider that one additional dwelling of the size proposed would detract significantly from the character of the wooded area, particularly as none of the mature beech trees would require felling in order to implement your client's proposal and access would be via the existing access to Lodge Aruhna. Furthermore, I consider that the appeal site is now of sufficient width to allow for a satisfactory clearing within which to site the dwelling while still maintaining its wooded character when viewed from both Water End Road and the public footpath to the west of the site.

8. You have not attempted to justify your client's proposal on the basis of a special need associated with agriculture, forestry or other use appropriate to a rural area. However, a development of the type proposed by your client would be unlikely to meet the needs of persons employed in agriculture or forestry, and while development at a higher density would be inappropriate for the reasons outlined above, I do not regard the absence of a special need as sufficient reason in this case to refuse permission for a dwelling on the appeal site which, in all other respects, is suitable for the development as proposed. I understand the council's concern at the possible precedent that would be created by your client's proposal, but in my opinion there are no other sites in Potten End which exhibit the particular circumstances of this case. I consider that the trees on the site make an important contribution to the character of the area, and I intend to impose a condition to safeguard these trees.

9. I have considered all other matters raised in the representations, but do not find them of sufficient importance to outweigh the considerations that have led to my decision.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a detached dwelling on land at Lodge Aruhna, Water End Road, Potten End, in accordance with the terms of the application (No 4/0761/82) dated 24 May 1983 and the plans submitted therewith, subject to the following conditions:

1.
 - a. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;
 - b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter.
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. 5 years from the date of this letter; or

b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

3. No trees shall be felled, lopped or topped without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased or which die within 2 years of the completion of the proposal shall be replaced with trees of such size and species as may be agreed with the local planning authority.

11. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in 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.

12. 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.

I am Sir
Your obedient Servant

E. A. Simpson.

E A SIMPSON BA(Hons) MRTPI
Inspector