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DEPARTMENT
OF THE ENVIRONMENT
COUNCIL

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RECEIVED				ACK.	
DATE	TIME	BY	TO	ADMIN.	FILE
Received				2 JAN 1990	
Comments					

Your reference

Our reference

T/APP/A1910/A/89/133520

Date 29 DEC 89 /P6

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR K WOODWARD
APPLICATION NO 4/0793/89

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 outline planning permission for two dwellings on land at "Sunningdale", Long Lane, Bovington. I have considered the written representations made by you, by the Council, by the Bovington Parish Council and by interested persons. I inspected the site on 18 December 1989. My inspection was made unaccompanied and so I did not go on to the appeal land. However I am satisfied that I was able to see everything necessary to make a proper decision on the case from adjoining public places.

2. The appeal site lies some distance outside the urban area of Bovington as defined by the Council, within land forming part of the Metropolitan Green Belt. The proposed development would involve the demolition of the existing dwelling on the land and its replacement by 2 units. Housing is not one of the categories of development referred to in the approved structure plan and the adopted local plan as being exempt from the general presumption against development within the green belt. From my inspection of the appeal site and its surroundings and my consideration of all of the representations made I take the view that the main issues in this case concern first, whether there are very special circumstances to justify the development within the green belt and second, the effects of the proposed development on the character and appearance of the area.

3. On the first issue you draw my attention to the previous appeal decision of 1973 relating to an identical proposal. However, at that time the appeal site did not lie on green belt land. It does now and in my opinion that is a very material change of circumstances. The previous Inspector took the view that the application of green belt policies to the appeal site and its immediately surrounding area appeared to be misplaced. But the site is now within the green belt and accordingly green belt policies have to be looked at when development proposals are being determined. The fact that the site is now within the green belt also means that different weights may need to be given now to the various material considerations in the case. Thus, for example, the quality of the rural landscape is not a material factor in the designation or continued protection of green belts, whereas it may be a more relevant consideration in cases not affecting green belt land. For these reasons I do not regard the previous appeal decision, in itself, as a very special circumstance justifying the grant of consent.

4. You also draw my attention to the recent development to the side and rear of "Cleveland". However it is clear from what the Council say that there were very special circumstances in that case which justified new residential development in a green belt location, namely the removal of an obtrusive commercial use. In view of the special circumstances that case does not set a compelling precedent for further building nearby. I can find no other very special circumstances to justify the grant of consent in your client's case.

5. Turning to the second issue I noted at my inspection that the appeal site lies on the fringe of a small area of relatively dense development and that the immediate area is not very distinguished in appearance. Nonetheless the land lies well outside the built-up area of Bovingdon and close to open countryside. In my opinion the proposed development would further consolidate the outlying knot of buildings, and would give it a more built-up appearance. The additional dwelling proposed on the land might not be all that obtrusive, but the fact that a single dwelling would not be very noticeable is not in itself a good argument for permission. It could be repeated too often. Bearing in mind the normal presumption against development within areas of green belt and the general objective of green belt policy to protect the existing character and appearance of the countryside I am of the opinion that the implementation of the appeal scheme would result in demonstrable harm to the character and appearance of this green belt area, an interest of acknowledged importance. This is a sound and clear cut reason for the refusal of planning permission.

6. For these reasons the appeal fails. I have examined all of the other matters raised, including your representations about the adequacy of the site to support 2 new dwellings, but find nothing to change my decision.

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

I am Sir

Your obedient Servant



A J J STREET MA(Oxon) DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

LA



DACORUM BOROUGH COUNCIL

To Mr K Woodward
'sunningdale'
Long Lane
Bovingdon

Mr S York
22 Oakwood Road
Bricket Wood
St Albans

Two dwellings (outline)

at Sunningdale, Long Lane, Bovingdon.

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 27.4.89 and received with sufficient particulars on 2.5.89 and shown on the plan(s) accompanying such application.

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

The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings 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.

Dated 29th day of June 19 89

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.