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2 JAN 1990

Documents

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, Bovingdon. I have considered the written representations made by you, by the Council, by the Bovingdon 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 Bovingdon 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 Bovington 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