

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

AJP

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr and Mrs Puddephat
68 Tring Road
Wilstone
Nr Tring
Herts

Oakwood Commercial
17 High Street
St Albans
Herts

Two dwellings (Outline)

at ... Adjoining 68 Tring Road, Wilstone

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 Undated and received with sufficient particulars on 15th June 1984 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 in a rural area beyond the Green Belt and in an area referred to on the County Structure Plan where permission will only be given for use of land, construction of new buildings, changes of use or extension 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.
- (2) The proposal is not supported by evidence of local need sufficient to satisfy Policy 4 of the Dacorum District Plan.

Dated 16th day of August 19 .. 84 ..

Signed *W. B. Marshall*

Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.



**Department of the Environment and
Department of Transport**

Common Services

Room 1401 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 913
Switchboard 0272-218811

M Leyland Esq
8 Rushendon Furlong
Pitstone
Mr LEIGHTON BUZZARD
Bedfordshire

Your reference

Our reference						PLANNING DEPARTMENT	
T/APP/AL						T/APP/AL	
Date						Ack.	
5 JUN 85							
C.P.O.	C.P.	C.	T.C.	Admin.	File		
Received						-7 JUN 1985	
Comments							
TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9 APPEAL BY MR AND MRS G C PUDDERHATT APPLICATION NO: 4/0801/84							

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS G C PUDDERHATT
APPLICATION NO: 4/0801/84

- As you know 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 District Council, to refuse outline planning permission for the erection of 2 dwellings on land adjacent to 68 Tring Road, Wilstone. I held a local inquiry into the appeal on 16 April 1985.
- From the representations made at the inquiry and in writing and my inspection of the site and surrounding area I consider the main issues raised by your client's proposal are whether it would conflict unacceptably with planning objectives to restrain the growth of population in the rural areas of Hertfordshire and if so whether there are special circumstances which would justify the proposed dwellings as an exception to the normal requirements of that policy.
- It was not disputed by the parties that the village of Wilstone lies within that area beyond the Green Belt identified in Policy No 2 of the Dacorum District Plan adopted in January 1984, as an area in which development in general is to be confined (except in very special circumstances) to that for the purposes of agriculture, suitable leisure activities which cannot reasonably be located within an urban area and other uses appropriate to a rural area. Housing provision, it is proposed in Policy No 4 is to be allowed in any rural settlement provided it is required to meet the needs of the rural part of the District. These needs are identified in paragraph 5.7 as including households in stress without accommodation of their own or living in intolerable conditions; households needing specialised types of housing (eg the disabled or sheltered accommodation) and households required to move into the area as key workers. This policy reflects previous Structure Plan policies which are now included in Policy No 15 of the Country Structure Plan (Alterations No 1) approved by the Secretary of State in October 1984. This states that in the rural areas beyond the Green Belt there is to be a presumption against development other than that appropriate in a Green Belt except in settlements selected for the purpose in a local plan where development would be permitted for the housing needs of the rural part of the policy area.

4. The several letters supporting your client's proposal you claim indicate a need for "starter-homes" in order to meet the requirements of those who wish to live in the locality. Although your client is not able to show that there is an overriding need for such accommodation, you contend that these letters represent important evidence in support of the need for "starter-homes" in Wilstone. Your client is therefore prepared to enter into a formal agreement with the Council to ensure that occupancy is in the first instance restricted to "first time" buyers. Development of the appeal site in the manner proposed would therefore be consistent with planning policy.

5. Although housing development is to be restricted to a rate sufficient to accommodate the natural increase of population in the rural area specific provision for "starter-homes" is not currently seen by the Council as one of the more pressing housing requirements of the area. As housing control levels for 1976-1986 have been exceeded the Council contend that the supply of land for development should be confined to meeting needs set out in paragraph 5.7 referred to above. While I regard this aspect of Policy No 4 as being inconsistent with the intent of advice contained in paragraph 8 of Departmental Circular 15/84 referring to the artificial rationing of the supply of housing land, I note under the terms of the local plan it is still necessary to demonstrate that dwellings are genuinely required to meet the housing needs of the rural area. In none of the letters of support, are any claims made that the development would meet the purposes set out in Policies 2 or 4 of the Local Plan. Nor has any other evidence been adduced to show that the development is needed to satisfy these criteria or that there is any shortage of housing land in Tring or other settlements nearby where "starter-home" development would be allowed. I conclude, therefore, that while the properties would add to the stock of houses in the village and would readily find occupiers no overriding need for them has been demonstrated. In these circumstances restricted occupancy would not be appropriate since it would, as is advised in paragraph 77 of Circular 1/85 draw an artificial distinction between these and other dwellings in the village, that would involve too great an interference in the rights of ownership which in turn could cause hardship on those who subsequently needed to sell.

6. Nonetheless Policy No 4 does allow for the possibility of permission being forthcoming in special circumstances. I have therefore given careful consideration to your contention that the "planning gain" which would result from the development of the site would be sufficient justification to set aside normal policy considerations.

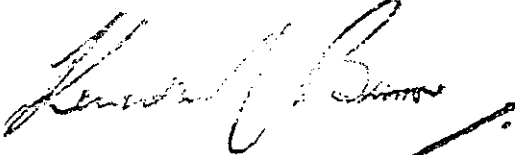
7. There seems to be no dispute on the part of the Council or residents of Wilstone that the right angled bend in the road within which the site is contained is a potential road hazard. Although opinion diverge as to whether development on the site would be appropriate there is little disagreement that removal of the hedge would make a major improvement to visibility around the corner. I accept that unless negotiated with great care the bend can be dangerous a fact reflected in the contents of the letter from the Parish Council. I also agreed that removal of the hedge would be of advantage in helping users to see on coming traffic. On the other hand the County Council as local highway authority, do not oppose the principle of development on the site despite the attendant risk of parking on the highway causing obstruction to the flow of traffic. Since I noted during my inspection that the traffic flow was relatively light, and that vehicles travelled very slowly around the bend I consider there is no pressing need on grounds of road safety which would justify allowing the proposal to go ahead. It appears to me therefore that planning gain is not sufficient justification to warrant an exception being made to normal application of planning policy in this case.

8. Although the Council oppose the unnecessary loss of the appeal site they raise no serious objection to the type of development shown on the illustration plan which accompanied the planning application. While I accept that a form of development following the principles set out in that plan need not conflict with the appearance and character of the Conservation Area I do not find this argument in favour of the scheme adequate to overcome the objections on policy grounds as it could be repeated too often resulting in considerable pressure to develop similar sites in this or other villages which the Council would find difficult to resist. The cumulative effect could well be that the policies of restraint inherent in the Council's statutory planning policies for the rural area beyond the Green Belt could be seriously undermined.

9. In coming to this conclusion I have had regard to your view that the Parish Council were not completely appraised of your clients intentions but note that in a letter dated 26 March the Council maintain their objection to the scheme. I have also taken into account all the other matters raised in representations but find they do not outweigh the planning considerations which have led to my decision. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir

Your obedient Servant



K N BURROW BA(Hons) FRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr M Leyland DipTP

- Planning Consultant,
8 Rushdon Furlong,
Pitstone,
Nr Leighton Buzzard.

He called:

Mr G C Puddephatt

- appellant.

FOR THE PLANNING AUTHORITY

Mr J Vaughan

- Assistant Solicitor,
Dacorum District Council.

He called:

Mr A Markham BA(Hons) MRTPI

- Senior Assistant Planner,
Dacorum District Council.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Letter of Notification. List of persons notified.
- Document 3 - Letter of Objection from Mr and Mrs Fitzpatrick, 41 Tring Road, Wilstone.
- Document 4 - Letter of Objection from H W Collings, 33 Tring Road, Wilstone.
- Document 5 - Letter of Objection from Mrs I Collings 33 Tring Road, Wilstone.
- Document 6 - Letter of Objection from Mr R W Stafford 66 Tring Road, Wilstone.
- Document 7 - Letter of Support from G Benneworth 25 Fishery Road, Boxmoor.
- Document 8 - Form of Consultation with County Surveyor.
- Document 9 - Letter opposing the scheme from Tring Road Parish Council.
- Document 10 - Previous planning applications on the appeal site.
- Document 11 - Extract Hertfordshire County Structure Plan.
- Document 12 - Extract Hertfordshire County Structure Plan (Alterations No 1).
- Document 13 - Extract Dacorum District Plan Written Statement.
- Document 14 - Copies selected planning appeal decision letters.

PLAN

- Plan A - Extract 1:2500 OS Sheet showing appeal site, surroundings and boundary of Conservation Area.



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- From the representations made at the inquiry and in writing and my inspection of the site and surrounding area I consider the main issues raised by your client's proposal are whether it would conflict unacceptably with planning objectives to restrain the growth of population in the rural areas of Hertfordshire and if so whether there are special circumstances which would justify the proposed dwellings as an exception to the normal requirements of that policy.
- It was not disputed by the parties that the village of Wilstone lies within that area beyond the Green Belt identified in Policy No 2 of the Dacorum District Plan adopted in January 1984, as an area in which development in general is to be confined (except in very special circumstances) to that for the purposes of agriculture, suitable leisure activities which cannot reasonably be located within an urban area and other uses appropriate to a rural area. Housing provision, it is proposed in Policy No 4 is to be allowed in any rural settlement provided it is required to meet the needs of the rural part of the District. These needs are identified in paragraph 5.7 as including households in stress without accommodation of their own or living in intolerable conditions; households needing specialised types of housing (eg the disabled or sheltered accommodation) and households required to move into the area as key workers. This policy reflects previous Structure Plan policies which are now included in Policy No 15 of the Country Structure Plan (Alterations No 1) approved by the Secretary of State in October 1984. This states that in the rural areas beyond the Green Belt there is to be a presumption against development other than that appropriate in a Green Belt except in settlements selected for the purpose in a local plan where development would be permitted for the housing needs of the rural part of the policy area.

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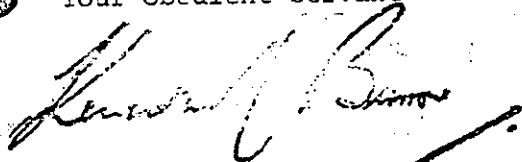
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8. Although the Council oppose the unnecessary loss of the appeal site they raise no serious objection to the type of development shown on the illustration plan which accompanied the planning application. While I accept that a form of development following the principles set out in that plan need not conflict with the appearance and character of the Conservation Area I do not find this argument in favour of the scheme adequate to overcome the objections on policy grounds as it could be repeated too often resulting in considerable pressure to develop similar sites in this or other villages which the Council would find difficult to resist. The cumulative effect could well be that the policies of restraint inherent in the Council's statutory planning policies for the rural area beyond the Green Belt could be seriously undermined.

9. In coming to this conclusion I have had regard to your view that the Parish Council were not completely appraised of your clients intentions but note that in a letter dated 26 March the Council maintain their objection to the scheme. I have also taken into account all the other matters raised in representations but find they do not outweigh the planning considerations which have led to my decision. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

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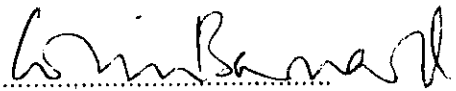
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated Undated and received with sufficient particulars on 15th June 1984 and shown on the plan(s) accompanying such application.

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

- (1) The site is in a rural area beyond the Green Belt and in an area referred to on the County Structure Plan where permission will only be given for use of land, construction of new buildings, changes of use or extension 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.
- (2) The proposal is not supported by evidence of local need sufficient to satisfy Policy 4 of the Dacorum District Plan.

Dated 16th day of August 19 84

Signed


Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is 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.
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2. From the representations made at the inquiry and in writing and my inspection of the site and surrounding area I consider the main issues raised by your client's proposal are whether it would conflict unacceptably with planning objectives to restrain the growth of population in the rural areas of Hertfordshire and if so whether there are special circumstances which would justify the proposed dwellings as an exception to the normal requirements of that policy.

3. It was not disputed by the parties that the village of Wilstone lies within that area beyond the Green Belt identified in Policy No 2 of the Dacorum District Plan adopted in January 1984, as an area in which development in general is to be confined (except in very special circumstances) to that for the purposes of agriculture, suitable leisure activities which cannot reasonably be located within an urban area and other uses appropriate to a rural area. Housing development, it is proposed in Policy No 4 is to be allowed in any rural settlement provided it is required to meet the needs of the rural part of the district. These needs are identified in paragraph 5.7 as including households in stress without accommodation of their own or living in intolerable conditions; households needing specialised types of housing (eg the disabled or sheltered accommodation) and households required to move into the area as key workers. This policy reflects previous Structure Plan policies which are now included in Policy No 15 of the County Structure Plan (Alterations No 1) approved by the Secretary of State in October 1984. This states that in the rural areas beyond the Green Belt there is to be a presumption against development other than that appropriate in a Green Belt except in settlements selected for the purpose in a local plan where development would be permitted for the housing needs of the rural part of the policy area.

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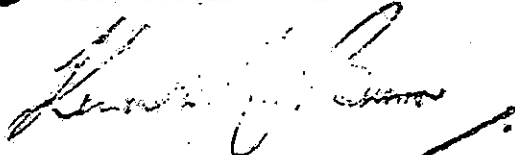
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