

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other Ref. No.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Barbrak Limited, Pix Farm Lane, BOURNE END, Herts.

Broadhurst Design Associates Limited, Manor House, Church Road, WORCESTER PARK, Surrey.

First Floor Office Extension
at Barbrak Ltd., Pix Farm Lane, Hemel Hempstead.

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 28th June, 1978, and received with sufficient particulars on 3rd July, 1978, 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 an area without notation in the approved Development Plan and Hertfordshire 1981 where it is the policy of the local planning authorities not to allow development unless it is essential for agriculture or other genuine green belt purpose or unless there is some quite outstanding reason why permission should be granted. Furthermore, Policy 2 of the submitted County Structure Plan states, inter alia, that it is the local planning authorities' policy to retain a green belt over the whole of the rural county wherever there is a general presumption against development unless it is essential in connection with agriculture or clearly needed for recreation or other use appropriate to the rural area concerned. In the opinion of the local planning authorities the proposed development will constitute a consolidation and intensification of an industrial use which is seriously out of place in a rural area and no reason or purpose has been advanced sufficient to justify overriding the strong presumption against any new development in this area.

Dated 24th day of August, 1978.

Signed [Signature]

Designation Director of Technical Services.

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, Whitehall, London, S.W.1.) 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.



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TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
29 JUN 1979	

Your reference
33/MAV/KS
Our reference
T/APP/5252/A/78/10170/G6
Date
28 JUN 1979

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 SCHEDULE 9
APPEAL BY BARBRAK LIMITED
APPLICATION NO: 4/0859/78

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a first floor extension to provide office, kitchen and toilet accommodation to existing building on land at Pix Farm Lane, Bourne End, Hertfordshire. I held a local inquiry into the appeal on Tuesday 22 May 1979 at the Civic Centre, Marlowes, Hemel Hempstead.
2. The appeal site lies to the north of the settlement of Bourne End on land situated between the Grand Union Canal and the Euston/Midlands main railway line. It fronts onto the southern side of Pix Farm Lane, a country lane extending between Winkwell Lane to the east and Little Heath Road to the west. The site, comprising some 4 acres, contains a single storey part brick, part asbestos sheet clad workshop of some 105 ft x 54 ft x 31 ft in size with an attached single storey brick administration building on its front elevation; a storage building and a former caretaker's bungalow, now in temporary office use. These buildings enclose a tarmacadamed forecourt whilst to the sides and rear of the workshop is a concreted area, used in part for the display of heavy earth-moving plant and equipment. Along the western side of the site, the ground rises as a grass bank whilst on the eastern side, the site is a levelled area of open ground.
3. To both the east and west of the site, the surroundings are of rural appearance with rough grassland, trees and 2 lakes covering areas of past mineral workings. Clustered around the junctions of Winkwell Lane and Sharpes Lane, some 400 yds to the east and west respectively, are a small number of residential dwellings whilst beyond the canal to the south, the residential development of Bourne End forms a linear frontage along the A41 London Road.
4. The main points advanced by you on your clients' behalf were that your clients purchased the site in February 1978 with the benefit of a planning permission granted to the previous occupants in 1972 for the use of the land and buildings for the storage, maintenance, sale and repair of earth-moving machinery (Document 10 refers). Since its purchase, the appearance of the site has been greatly improved compared with its previous untidy condition (Document 9 refers). Trees have been planted and equipment purchased to sweep the paved areas and cut the grass banks. The appellants' business consists, in the main, of the purchase and resale of construction machinery and spare parts, most of which is exported. Much of the business is conducted by telephone and a considerable amount of the machinery is never brought to the site, being sent direct to the purchasers to avoid duplicating costly transport charges. No more than 20 pieces of equipment or machines are kept on site under normal

circumstances and these are primarily for inspection by potential customers to demonstrate the range of machinery that can be made available. Thus there is a limitation in the numbers of heavy loads brought to the site to about 8 per month and these are invariably escorted by the police who have approved the route via Chaulden Lane and Winkwell Lane. All major repair work is done at workshops elsewhere in the country and only minor repairs are carried out on the appeal site. These are undertaken by a fitter who is engaged for only part of his time on this work. The existing staff totals 15 including 3 working directors and of the 15, 12 have to be accommodated in a single office measuring $32\frac{1}{2}$ ft x $21\frac{1}{2}$ ft. This office also has to house 2 telex machines, 3 typewriters and the usual office equipment (Plan B refers). Working conditions are in consequence, very cramped and the appeal extension is required solely to provide more adequate work-space and satisfactory working conditions. At the present time the available office floorspace amounts to 5.2m^2 per member of staff whereas the normally accepted standard is $9.3\text{--}11.6\text{m}^2$. The company is also anxious to provide a more prestigious image to their clients, many of whom are overseas customers. At the present time there is no space available in which to receive and entertain them other than in the overcrowded general office. It is not intended to increase the present number of staff and the figures quoted on the application form are incorrect. The appeal proposal will therefore not give rise to any increase in traffic to or from the site despite the assumption to the contrary reached by a number of the local residents who have submitted objections.

5. You referred to the past use of the site by the previous occupants and particularly to the period between 1976 and 1978 when the site was far more intensely used for the repair and storage of heavy earth-moving machinery. During this period, there was a staff of 15 of whom 12 were fitters engaged on the repair of machinery. Work was often carried out at night, weekends and in the evenings and the movement of heavy vehicles to and from the site averaged some 30 trips per week. By comparison, your clients' mode of operation has vastly improved the general conditions on the site and reduced the amount of traffic generated by it. No work is now undertaken after 6 pm weekdays or at all at weekends. Nevertheless should your clients be forced to vacate the site through the refusal of this application, the potential remains for the previous activities to be resumed at an even greater intensity.

6. You pointed out that the proposed extension would not be visible from Bourne End or the canal towpath and because of the railway embankment to the north, trees to the east and raised ground to the west, hardly visible from any surrounding area. Although the site is within an area without notation on the policy document - Hertfordshire 1981 where only development appropriate to the green belt is normally permitted, you submitted that the refusal of permission in this instance represented a too rigid application of the planning authority's development control policy. Policy No 6 of the submitted Hertfordshire Structure Plan recognises that although office development is intended to be restricted to existing commitments as at 1 January 1976, it confirms that exceptions will be made where it is shown that existing provision is inadequate. The Secretary of State, in his modifications to the structure plan, has also proposed an exception in the case of firms who need to be located in the county in the national or regional interest. Both these circumstances apply to the appellants. The Secretary of State also proposes a modification to the green belt proposals included in the structure plan and has indicated that the inner boundary of the green belt around settlements enclosed by it will be a matter for determination in local plans. It is therefore open to question whether the appeal site will be in the green belt when eventually locally defined.

7. The main points advanced by the planning authority were that the appeal site is situated within an area without notation on the approved County Development Plan. In 1971 the Secretary of State approved an amendment to the Development Plan extending green belt policy to these unnotated areas. In the submitted Hertfordshire Structure Plan, the site lies within a proposed extension to the green belt and although the Secretary of State's published modifications propose to reduce the area of the green belt

by restricting it to a depth of 12-15 miles in the south of the county, as shown by his modification to the Key Diagram (Plan D refers), the appeal site would remain within the green belt notation. It is accepted that the Secretary of State has stated that the inner boundary of the green belt around settlements enclosed by it is for determination in local plans but it is the authority's view that the land north of the canal including the appeal site is unlikely to be removed from the green belt in the local plan.

8. The authority conceded that an extension of an existing building would have a lesser visual impact on a rural area than a new building but in the case of the appeal proposal, pointed out that the extension would be at first floor level where it would be more prominently seen than at ground level and would substantially increase the bulk of the building. The authority claimed that the proposal represented an approximate threefold increase in the existing amount of office floorspace and well over 50% of that refused permission on appeal in 1976 (Document 12 refers). The permission of 1972 was, rightly or wrongly, granted as a planning gain in conjunction with the Section 52 agreement that was concluded with the former owners of the site. It is not accepted that that permission represented in any way a precedent for the acceptance of additional development on the site. The authority contended the proposal would serve to intensify and consolidate a non-conforming use in an area where such development is contrary to their development control policies. Although your clients have claimed there would be no increase in staff, the authority considered there would be the likelihood of an increase in business generating more visits to and from the site. In their view the existing access along narrow country roads is totally unsuitable for commercial traffic and any increase would only worsen the existing unsatisfactory traffic conditions.

9. Mr R E Hill representing the Boxmoor Residents' Association referred to the letter that the Association had submitted (Document 5 refers) and which set out the Association's grounds of objection to the appeal proposals. He stated that he had nothing further to add to that statement.

10. Mr J Harvey representing the Bourne End Village Association referred to the letter that the Association had submitted (Document 6 refers). He said the association was very concerned about the appeal proposals which, it was felt, would result in an increase in business on the appeal site and consequent increase in traffic using the local roads. These, he claimed, were unsuitable for the purpose. He submitted photographs showing the condition of these roads and of vehicles passing through the railway bridge at Winkwell Lane (Photographs 8-25 refers).

11. From my inspection of the appeal premises and their surroundings, and consideration of the written and oral representations made, I am of the opinion that the issue to be determined in this appeal is whether the appeal proposals can be justified having regard to the character of the area and the aims of the planning control policy that applies to it.

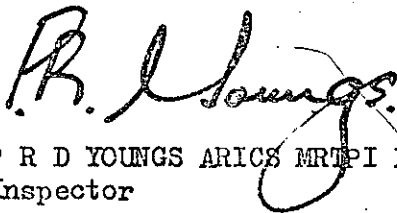
12. It is my opinion that the area north of the Grand Union Canal and west of Winkwell Lane is predominantly of a rural environment and that within that setting and the statutorily approved green belt policy that applies to it, the present use of the appeal site and the buildings on it are an intrusive non-conforming use of land. Nevertheless, the use is well established under the authority of a specific planning permission and no evidence was submitted by the planning authority to suggest there are any proposals by the authority to secure its relocation or discontinuance in the foreseeable future.

13. I accept without question that there is, at present, inadequate office accommodation for the existing number of staff and that their working conditions are far from satisfactory. To that extent therefore, I consider it would be reasonable to permit an increase in floorspace to provide conditions and facilities in accordance with normally recognised and accepted standards. However, I am of the opinion that this could be satisfactorily achieved by the insertion of a mezzanine floor in the workshop to provide a general office whilst retaining the proposed layout of the existing accommodation for executive purposes. Additional toilet and kitchen facilities could be provided by a rearrangement and extension of the single storey accommodation on the western side of the building. It was agreed by your clients at the inquiry that this was an alternative arrangement that had been tentatively considered and found to be technically feasible. Little interference would be caused to the use of the workshop which does not appear to be used to capacity and has the headroom to accommodate a mezzanine floor. Such a scheme would have the advantage of not materially adding to the bulk of the existing building or increasing the visual impact that it has on the rural surroundings. I also consider that the containment of the proposed development within the confines of the existing building could be regarded as being without detriment to the aims of green belt policy and whilst constituting a consolidation of the existing use, would not be unreasonable in the circumstances in which it is required.

14. Having regard to the foregoing considerations, I am of the opinion that the proposals, as submitted, are unacceptable and would cause a further physical and visual intrusion into this rural area to the detriment of the character and environmental amenities of the surroundings, contrary to the aims of green belt policy. I concede that the extension would not be visible from south of the canal but it is not sufficient in terms of green belt policy to seek to justify a proposal on grounds that it would not be seen. That is an argument that can be used in a multiplicity of cases and is not an acceptable reason when it is the principle that is at issue. I have considered the objection raised by local residents and the 2 local community associations on traffic grounds but I am satisfied that the nature of the proposals would not be likely to alter, to any material degree, existing traffic movements to and from the site. I therefore find no grounds to justify the rejection of the application for that reason.

15. I have considered all the other matters raised at the inquiry and in the written representations but I am of the opinion that they are outweighed by the factors leading to my decision. For the reasons stated, and in exercise of the powers transferred to me, I hereby dismiss your clients' appeal.

I am Gentlemen
Your obedient Servant



P R D YOUNGS ARICS MRTPI DipTP (Leeds)
Inspector

DACORUM DISTRICT COUNCIL

APPEAL

by

EARTHMOVING MACHINERY (UK) LIMITED

Inspector: Arthur Cockburn MRTPI AIAS(TP)

Date of Inquiry: 2 November 1976

File No: APP/5252/A/74/5281



Department of the Environment

Eastern Region

Charles House 375 Kensington High Street London W14 8QH

Telephone 01-803 4676 ext 146

3444

Earthmoving Machinery (U.K.) Limited
Pix Farm Lane
Bourne End
Hemel Hempstead
Hertfordshire

Your reference

Our reference APP/5252/A/74/5281

Date

14 DEC 1976

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36
APPLICATION NO. 762/73D

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mr A Cockburn MREPI, AIA3 (TP), who held a local inquiry into your appeal against the decision of the former Hemel Hempstead Borough Council, acting on behalf of the former Hertfordshire County Council, to refuse planning permission for the demolition of existing buildings and the erection of a two-storey office building and single storey industrial building for the repair and sale of earth moving machinery at Pix Farm Lane, Bourne End, Hemel Hempstead. A copy of the report is enclosed.

2. The Inspector said in his conclusions:-

"While it must be accepted that the appeal site has the benefit of an established workshop use and is now used by the appellants for the storage, repair and sale of earthmoving plant, it is clear that the operation of this existing business has had a profound effect on amenity, because of its relative isolation in predominantly rural surroundings in an area subject to green belt restrictions, and because of the inadequacy of the highway network which now affords access to the site.

There can be no doubt that the new offices and workshops which it is proposed to erect on site are of a high standard of architectural design and, in the absence of other material planning considerations, these would be a most acceptable substitution for the existing buildings and an improvement on the elevational treatment of the building which has already been approved by the former planning authority.

However, the proposal falls to be considered in the light of green belt policy restrictions and, in my opinion, the works cannot reasonably be regarded as a "reinstatement" of the present workshop and office accommodation totalling some 6,000 sq ft as the application requires 14,400 square feet of workshop space and 6,000 square feet of office floor area which would mark a substantial increase in the superficial areas of both uses and building mass.

The works are not included in those categories of development normally deemed to be admissible in areas subject to green belt considerations and I agree with the council's assertion that it would be contrary to amenity interests to promote a more intensive industrial use of land in this rural location. The capacity of the new buildings would create the potentiality for higher levels of office and workshop uses on site, even accepting that this may not initially be intended, and it would be imprudent to disregard this aspect of the proposal not only in the interests of amenity but also in the light of access difficulties which now affect the use of the site as a storage/sales/repair depot for earthmoving equipment.

Pix Farm Lane is a narrow single track rural highway with passing bays which, because of bridge weight restrictions presently affecting the western approach, now requires access to the site to be affected from the east and involving the use of Chaulden Lane which is, similarly, a narrow country road. These highways are, in my opinion, totally unsuited to the transport of heavy earthmoving plant, even allowing that the present volume of traffic to the depot would not be significantly increased.

The appellants acknowledge the difficulties attached to the use of the Chaulden Lane/Pix Farm Lane route and have indicated that the use of a western approach would overcome objections founded on access considerations following the strengthening of the existing canal bridge in Little Heath Road. While adoption of this western route would prove more acceptable, this would nevertheless require the widening of the carriageway along the western section of Pix Farm Lane, extending from the appeal site to Little Heath Road, and involved the acquisition of land for this purpose which is presently outside the appellants control and ownership."

The Inspector recommended that the appeal should be dismissed.

3. The Secretary of State agrees with the Inspector's conclusions and accepts his recommendation. Therefore he hereby dismisses the appeal.

I am Gentlemen
Your obedient Servant

K W Beare

K W BEARE
Authorised by the Secretary of State
to sign in that behalf

2 Marsham Street
LONDON SW1

21 November 1976

To The Right Honourable Peter Shore MP
Secretary of State for the Environment

Sir

I have the honour to report that on Tuesday 2 November 1976 I held an inquiry at The Civic Centre, Hemel Hempstead, Hertfordshire into an appeal by Earthmoving Machinery (UK) Limited under section 36 of the Town and Country Planning Act 1971 against the refusal of the Dacorum District Council to permit the reinstatement of offices and workshops at the existing depot, Pix Farm Lane, Hemel Hempstead.

1. The Reasons for Refusal are:-

1. The proposed development would result in an intensification of employment and industrial uses within an area without notation in the county development plan wherein it is the policy of the local planning authority to permit only such development as would be appropriate in the approved green belt. Within the green belt it is the policy of the local planning authority not to allow development unless it is essential for agriculture, or other genuine green belt purposes, or unless there is some other quite outstanding reason why permission should be granted. No sufficient purpose or reason has been proved.

2. The proposed development would constitute an intensification of the use of the site which will inevitably lead to increased use of the narrow roads and severely weight restricted bridges to the west of the site and also a sub-standard junction with the A41 trunk road.

2. This report includes a description of the appeal site and surroundings, the gist of the representations made at the inquiry and my findings of fact, conclusions and recommendation. Lists of appearances, documents, plans and photographs are attached.

THE SITE AND SURROUNDINGS

3. The appeal site fronts the southern margin of Pix Farm Lane in the attractive Bulbourne Valley linking Hemel Hempstead with Berkhamstead, Hertfordshire. The area immediately surrounding the site is rural in character and the land to the north of Pix Farm Lane is primarily in agricultural use.

4. Overall, the site has an area of about 4 acres, a frontage to Pix Farm Lane of some 180 metres, a maximum depth of 150 metres, and comprises a depot used for the storage, repair and sale of earthmoving plant and machinery. A concrete block walled workshop and a brick built works building are situated near the western end of the site and office accommodation is provided in a small "bungalow" type building near the northern boundary.

5. Most of the site area is roughly metalled and is used for the parking of motor vehicles and earth moving plant, some of the equipment being in a state of disrepair. A high chain-link fence encloses the site but this is open to view from Pix Farm Lane although many trees have been planted along the boundaries to help screen the vehicle standing area.

6. On its eastern and western sides the site abuts former mineral workings and the area on the eastern boundary contains an exhausted wet working which is now used as a private fishing lake. A small group of dwellings and a public house are grouped at Winkwell, to the east of the lake and front a narrow lane linking Pix Farm Lane with London Road A41.

7. On its southern side the site is separated by a narrow strip of open land from the banks of the Grand Junction Canal which is flanked by watercress beds and is an attractive feature in the valley floor. The agricultural area to the north of Pix Farm Lane is dominated by the main London-Midlands railway line which is elevated on an embankment above the general site level.

8. A few sporadically sited properties, including a riding school and church, front the northern side of Pix Farm Lane to the west of the site. At its western end the lane has a junction with Little Heath Road and, at its eastern end, links with Pouchen Hill Lane which provides access to Chaulden Lane. These highways are primarily rural lanes which are lined by hedgerows and trees. Sharpes Lane adjoins the southern side of Pix Farm Lane, between the site frontage and Little Heath Road, and these 2 narrow highways extend southwards to connect with the A41 main road.

9. Pix Farm Lane has a minimum carriageway width of some 9 ft and is essentially a single track road with roughly constructed vehicle passing bays at intervals. No footways are provided along this highway and, for the most part, the carriageway is directly bounded by earthbanks and hedgerows. A 3 ton vehicle weight limit "Except for access" is imposed and no street lighting is available.

10. Chaulden Lane, to the west of Pix Farm Lane, leads from Pouchen Hill Lane and is accessible only by passage through a railway arch some 15 ft in overall width. The carriageway to Chaulden Lane is some 10-11 ft wide at its narrowest point and is without footways and street lighting to the west of the group of residential properties at its eastern terminal.

11. Sharpes Lane has a carriageway width of some 8-9 ft and has a weight restricted bridge over the Grand Junction Canal, almost central in its length. Little Heath Road varies in width, although generally narrow, and has a weight restricted bridge over the canal, although this is presently being modified to increase the weight capacity. The junction of Little Heath Road with the A41 Hemel Hempstead/Berkhamstead road appears to have been recently improved to modern highway standards.

THE CASE FOR THE APPELLANTS

The material points are:-

12. The appellants are owners of the appeal sites situated at Pix Farm Lane, Hemel Hempstead, Hertfordshire, and seek detailed planning permission for the erection of an office and works building in connection with their earth moving plant and machinery business which is already established on site. The new buildings would require the demolition of the present unsatisfactory accommodation and would improve the appearance of the site (Plans A-E).

13. It is accepted that the existing use of the appeal site does not conform with the council's development plan but it must be recognised that the land has been used for industrial purposes for many years. The site was acquired by the appellants in 1970 but, before that time, planning permission had been issued to the former landowner for the erection of a workshop, even though the site was within an area of no notation in the county development plan.

14. Approval of the appeal proposal cannot reasonably be opposed on the grounds that this would conflict with the council's development plan as planning permission was, in fact, issued in November 1972 for the erection on site of a workshop with a floor area of some 6,870 sq ft (Plan F). This planning permission has not been implemented although of course this remains valid for a period of 5 years from the date of issue.

15. It is important to note that approval of this earlier proposal was in accordance with an agreement made between the appellants and the council of the Borough of Hemel Hempstead under Section 6 of the Hertfordshire County Council Act 1960. The effect of the Agreement was to confine the appellants' plant and machinery business on some 4 acres of the total 20.8 acre holding fronting Pix Lane, the remainder of the land to be devoted to agriculture or used as open space (Document No. 4).

16. The decision to issue this earlier approval also conflicts with the council's claim that the proposed development should be refused as the land is in an "amenity corridor" within the proposed extension to the Metropolitan green belt. The "amenity" strip near the appeal site includes a main railway line and a sewage works and the council have refused to permit the grant of planning permission for a comprehensive amenity development on some 16 acres of land adjoining the appellants' land.

17. There can be no doubt that, visually, the construction of the building already approved would be less likely to appear aesthetically pleasing than the development scheme now proposed. The height of the approved building would not be exceeded in the appeal proposal but the design of the workshop and offices would be much more attractive and should positively enhance the appearance of the site, thereby benefiting the rural amenities (Document No. 6).

18. The appellants propose to construct tall earthbanks on the site boundaries to effectively screen the new development, plant and vehicles from public view. Further landscaping measures would be introduced to reduce the impact of the development on the rural scene but it must be accepted that the site cannot be seen from the A41 main road to the south of the canal.

19. At present, the site includes many unsightly sheds and buildings which are surrounded by semi-dismantled vehicles and scrap machinery - the general effect being most unsatisfactory. With the construction of the new buildings, most of the machinery would be housed under cover and the existing buildings would be demolished, thereby improving working conditions for the staff and also eliminating an eyesore which has been in existence for many years. Refusal of application would therefore lead to a perpetuation of the existing unsightly appearance of the depot.

20. Most of the work undertaken on the site comprises the dismantling and replacement of heavy machine components such as bearings, wheels and cutting edges of large earth moving plant. This work is carried out in the open, as well as within the existing workshop, and adverse weather conditions can markedly affect the work output, particularly during the winter months.

21. The council have contended that the construction of the new buildings would lead to an increase in the number of personnel employed at the depot but it is emphasised that it is intended only to maintain the level of staff employment which is normally restricted to the summer months. It is agreed that the appellants would endeavour to increase their business turnover but this would largely be achieved by maintaining operational levels throughout the whole of the year.

22. It is not accepted that the proposal would result in a more intensive use of the appeal site as the depot is already being utilised to its full capacity and would continue to be so used whether or not the appellants are permitted to replace the existing buildings. The only operational benefit to be obtained from the development would lie in the ability to sustain full capacity during the winter when outdoor working would be hampered by inclement weather.

23. These considerations may also be applied to the contention that the proposal would result in "an intensification of use of an unacceptable highway system" as no noticeably greater vehicular activity would follow the erection and use of the new workshop and offices. As the site is now being used to capacity, it follows that it would not be possible to increase the work intake and therefore to significantly increase the number of vehicles entering or leaving the depot.

24. Despite the allegations that the traffic to and from the site has caused inconvenience and danger to other road users, the appellants have not received any complaints of damage or nuisance arising from the transport of earth moving machinery. This is largely due to the restriction of traffic movements during peak vehicular flows and to a close liaison between the appellants and the police.

25. All drivers visiting the site are instructed to follow specific routes as some of the approach roads are affected by vehicle weight restrictions and all large loads are required to be escorted by police vehicles. A 3 ton restriction is imposed on Pix Farm Lane as a "through" route and Little Heath road presently has a 4 ton axle weight limit but the bridge over the canal on this western approach is now being strengthened to full highway standard.

26. It is agreed that it would be preferable to avoid the use of Chaulden Lane as a means of access to the site and the appellants would prefer to approach the depot from the main road by way of Little Heath Road, to the west of their existing entrance. Although the junction of Little Heath Road with the Hemel Hempstead/Berkhamstead main road has been improved in recent years and the bridge is now being reinforced, the lane from the bridge to the depot will require to be improved to permit the free passage of wide vehicles.

27. The appellants have declared their willingness to provide land within their ownership for the widening of this western approach without charge to the highway authority and to supply earth moving plant to enable the widening scheme to be carried out. Although the land to the west of the appeal site, extending from Sharpes Lane to Little Heath Road, is not owned by the appellants it is understood that this may be open to purchase and could therefore possibly be acquired to permit the widening of the western section of Pix Farm Lane.

28. Despite the council's claim that "improvements" to the approach road would be detrimental to the character of the area, widening works are in hand at Potten End Bridge and have been completed at the A41/Little Heath Road junction, without any damage to the rural scene. The use of the improved highway would affect only a few local residents and would totally eliminate the minor nuisances experienced by the continued use of the eastern route along Chaulden Lane.

29. Objectors to the appeal proposal have cited incidents involving vehicles visiting the site but it should be appreciated that the drivers concerned were not in the appellants' employ and possibly disregarded explicit instructions on the method of approaching the depot. Use of the western route would however overcome the difficulties attached to the use of Chaulden Lane and there would be a marked improvement in highway safety.

30. The appellants have endeavoured to comply with every request made by a local resident or association and have, in fact been responsible for many improvements including:-

- a. The construction, free of charge, of a car park at the Three Horseshoes Public House to prevent the hazard caused by car parking on the highway.
- b. The road improvements to Chaulden Lane and Pix Farm Lane at their own expense.
- c. The restriction on working hours at their depot.
- d. The restrictions on vehicular movements during peak traffic hours.
- e. The continued use of a lake in their ownership by local anglers, free of all charge.
- f. The donation of land under an earlier planning consent to allow road improvements to be carried out.
- g. The donation of land to the council to provide a car park for anglers visiting the amenity area adjoining the appeal site.

31. It may thus be seen that there has been a conscious effort to establish a good relationship with the local populace and these efforts would continue following implementation of the appeal proposal. Residents would further directly benefit by the improvement to the landscaping of the appeal site, and the widening of the inadequate carriageways while the restrictions on working hours and traffic movements would continue to operate.

32. It is acknowledged that there have been letters of objection submitted to the council by persons residing in the area and, generally, these are related to highway and amenity considerations. The appellants have already demonstrated that they are well aware of need to improve the approach to the site and, with the adoption of the western route, objections founded on highway considerations may reasonably be discounted.

33. With the incorporation of earthbanks and landscaping in the appeal proposal, residents would be able to appreciate that the scheme would positively enhance the appearance of the depot and the fears expressed about the possible damage to amenity would be overcome. Approval of the application would not create a precedent for further works in the green belt, as alleged by some objectors, and it must be recognised that the appellants' depot is an established use which has been acknowledged by the local authority.

34. Contrary to the opinion of some objectors, the appellants are conscious of the need to preserve the delicate ecological balance in the appeal site area and, to this end, have donated 5 acres of land to form a nature reserve and to provide fishing facilities for local clubs. It is proposed to increase the protection of the nature reserve and to prevent pollution of any kind.

THE CASE FOR THE PLANNING AUTHORITY

The material points are:-

35. The site lies in an area without notation on the approved County Development Plan and on "Hertfordshire 1981", the non-statutory review adopted by the local planning authority in 1972. Within such areas it is the policy of the local planning authorities to permit, in accordance with the Secretary of State's modification to the Development Plan, "only such development as would be appropriate in the neighbouring green belt". In the submitted County Structure Plan the appeal site lies in an "amenity corridor" within the proposed extension to the Metropolitan Green Belt.

36. The purpose of the green belt is to preserve a stretch of mainly open country as near as possible to London to act as a barrier against the further outward spread of building development and the merging of existing settlements within the belt, and to provide an area in which town dwellers can find recreation and enjoyment.

37. In order to achieve this purpose it is essential to retain and protect the existing rural character of the area so allocated, new building will be permitted only in the most exceptional circumstances unless required for agriculture or a purpose related directly to the needs of the rural communities.

38. There is a considerable history leading to the present unsatisfactory occupation of the appeal site situate in the relatively narrow stretch of undeveloped land along the Bulbourne Valley, between the New Town of Hemel Hempstead and Berkhamstead.

39. Gravel excavation on the entire 20 acre site ceased in 1947, but approximately $1\frac{1}{2}$ acres continued to be used by the occupants, Messrs H Winfield Ltd, as a base for their sand and gravel haulage business. Planning permission was granted in June 1949 for the erection of an office building of some 440 sq ft subject to the conditions requiring that:-

1. The proposed office shall be used only in connection with the use of the site for the applicant's sand and gravel business which is operated by 10 lorries, 2 of which are available for general haulage, and not for any other purpose.

2. The roof shall be covered with brown clay or concrete plain tiles.

40. A further conditional permission was granted in November 1949 for the provision of a petrol tank and pump for refuelling lorries and in February 1956, an additional 538 sq ft of office accommodation was permitted subject to the condition that:-

The permission shall enure only for the applicant's existing sand and gravel business.

In May 1956 the first of a number of temporary permissions was granted for a temporary store of 360 sq ft for lorry spares, pending extension of the workshop.

41. With the benefit of hindsight it might have been possible to predict the present appellant's later claim that a material change of use occurred between 1948 and 1963 to that of a general haulage contractor's depot. In any event when an application was submitted in 1961 for the erection of a building of some 3,200 sq ft and a change of use to a transport depot, permission was refused on green belt grounds.

42. Notwithstanding this refusal, permission was granted in 1964 for a workshop of 1,800 sq ft and extension to the existing workshop of 900 sq ft. Conditions were imposed to ensure that:-

1. This permission is granted to Messrs Henry Winfield Ltd only and shall not operate for the benefit of any other person or firm.

2. The development hereby permitted shall be used solely for workshop, welding and storage purposes only, ancillary to the main use of the site as a depot, and falling within classes III and X of the schedule to the Town and Country Planning (Use Classes) Order 1963, and for no other purpose.

43. It is understood that Henry Winfield Ltd, went into liquidation in 1968 and that the appellants subsequently acquired the site in 1970. In February 1972 they submitted an application to demolish the existing buildings on the site and construct a new workshop and office of 6,870 sq ft. The Hemel Hempstead Borough Council accepted the proposal subject to an agreement under section 6 of the Hertfordshire County Council Act (Document No. 4).

44. In June 1973 the appellants informed the borough council that, if they could obtain an Industrial Development Certificate and planning permission, they would not implement the approved workshop/office proposal but would seek to erect buildings with a total floor area of some 20,400 sq ft, a proposal which now forms the subject of appeal. The industrial development certificate was in fact issued but planning permission was refused for the reasons defined in the council's formal notice.

45. Two further applications for development have been submitted since January 1974, the first in April 1974 and the second in June 1976. Both proposals involved the construction of an office/workshop building of 6,850 sq ft and were refused for green belt and traffic reasons.

46. In their grounds of appeal the appellants have contended that the appearance of the site would be improved and noise levels reduced by (a) the accommodation of the existing engineering processes under cover (b) the construction of new buildings to replace old and unsightly structures and (c) the formation of screening earthbanks and landscape features. It was also claimed that the use of the site would not be increased and, accordingly, vehicular traffic would not be affected by the proposal.

47. It is however often advanced in support of a proposal that a bright new factory or house would present a much better appearance than, say, visible machinery, open storage or an area of scrubland. In the case of the appeal proposal it is difficult to appreciate how the new buildings could improve the appearance of the rural area, particularly when it is borne in mind that the workshop would be some 120 ft square on plan and 33 ft high. It is considered that the development would focus attention on the site to the further detriment of the rural character of the area.

48. Even if the appellants claim should have been accepted, it is questionable whether the existing untidiness of a site is a material consideration in the determination of an application for planning permission. If, indeed, it should be taken into account this would give rise to anomalies where perhaps planning permission could be refused for development on a tidy site and otherwise granted to an applicant whose premises are an eyesore. Such a situation would be totally unacceptable.

49. There could be some reduction in the transmission of noise from the site with the containment of operations within a building but the extent of this relief is uncertain and of little significance when related to the problems caused by the use of the site as a whole and the effect of granting planning permission for the appeal proposal.

50. Although the appellants contend that allowance of the proposal would not result in an intensified use of the site, it would nevertheless appear that a new purpose designed building would have promoted greater operational efficiency and an improved output. This is not however a main issue as the planning authority is primarily concerned with the use and development of the land and not with the particular operations which may be of a temporary nature.

51. The development could have the effect of perpetuating the present occupation of the site by the appellants when it is clearly not suitable for the existing use and it would also result in the provision of a more attractive site for other potential industrial concerns should the appellants decide to move in future or to cease their business operations.

52. The site is in a vulnerable rural area serving a valuable green belt purpose between 2 large towns. The area is well used for recreational purposes related to the canal and nearby riding school and such leisure uses should predominate, industrial development being directed to locations specifically allocated for this purpose.

53. The approach roads to the site are narrow, mostly being single track with passing bays, and in parts are only some 8 to 9 ft wide. Clearly the roads are inadequate to sustain any appreciable volume of traffic but there are no proposals to widen or otherwise improve them although it is agreed that the junction of Little Heath Road with the A41 has been improved and the canal bridge is presently being strengthened.

54. The "improvement" of these rural roads to standards suitable for the traffic generated by industrial development would reduce the amenity of the countryside and would be likely to increase the volume of traffic presently using these lanes to avoid congestion on the main roads during peak hour flows. The construction of the A41(M) should ultimately assist in reducing this "through" traffic but no development should be permitted which would lead to an increase in the vehicular use of these lanes as this would escalate the present dangers to local vehicular and pedestrian traffic.

55. It is contended that the appeal proposal would increase the number of vehicles visiting the site and it should be noted that this scheme provides a floor area which would be more than twice as large as the development previously approved by the borough council. The traffic presently visiting the depot causes considerable nuisance and danger to local residents and, although an established use, it would be wrong to permit this to be intensified by allowance of the appeal.

THE CASE FOR INTERESTED PERSONS

The material points are:-

56. On behalf of the Boxmoor Residents' Association, Mr R E Hill, Chairman, strongly opposes approval of the appeal proposal and objects to the use of Chaulden Lane and Pix Farm Lane by heavy plant transporters as these narrow highways are totally inadequate to carry such traffic.

57. Chaulden Lane, some $\frac{1}{2}$ mile in length, is fronted at its eastern end by flats and houses which are occupied by a goodly proportion of elderly people. The eastern section of the carriageway is some 14 ft wide, lined by a single footway, and vehicles visiting the appellants' depot have damaged the earthbanks and verges along the highway length.

58. To the west of the residential development in Chaulden Lane, the carriageway is only some 10 $\frac{1}{2}$ ft wide and crude passing bays have been carved out of the banks flanking the road. There are 4 "blind" bends and not only is forward visibility restricted by overgrown hedges, but the road surface is flooded in wet weather due to inadequate drainage. No pedestrian footway is available to the west of the existing housing group.

59. The Association consider that allowance of the appeal proposal would lead to an increase in the number of vehicles already using Chaulden Lane causing further damage, inconvenience, loss of amenity and danger to local residents. Although the appellants claim that they will improve the highway in future, they do not own all of the land necessary for this purpose and rejection of their application is fully justified.

60. Mr V Simondson of Winkwell, Hemel Hempstead, endorses the reasons advanced for rejection of the appellants' proposal and maintains that the heavy vehicles visiting the depot have damaged the local roads and, because of their width, completely block the highway. This industrial traffic hazards the safety of children attending the school in Chaulden Lane and it would be wrong to permit any increase whatsoever in the vehicular use of these rural lanes.

FINDINGS OF FACT

61. I find the following facts:-

1. The appellants are the owners of the appeal site situate at Pix Farm Lane, Hemel Hempstead, and seek planning approval for the reinstatement of the existing workshops and office buildings on site.
2. Overall, the site has an area of about 4 acres and comprises land which is presently used for the storage, repair and sale of earthmoving machinery and plant. Buildings on the site include workshops and offices with a total floor space, indicated on the application, of 6,000 sq ft.
3. The proposal would involve the erection of a workshop with a floor area of 14,400 sq ft and offices with a floor area of 6,000 sq ft. A planning permission was issued in 1972 for the erection of an office/workshop building with a floor area of 6,870 sq ft but this proposal has not been implemented.
4. The site lies within an area of no notation in the county development plan and, in accordance with the Secretary of State's amendment to the development plan, all development in the area which includes the appeal site is to be "such as would be appropriate in the neighbouring green belt".
5. The site, a former mineral working, lies in the Bulbourne Valley and, in the county Structure Plan, is shown to be within an amenity corridor within the proposed extension to the Metropolitan Green Belt.
6. The site is near the northern side of the Grand Junction Canal and in predominantly rural surroundings. Land adjoining the eastern and western sides of the site was formerly used for the extraction of minerals.

7. Pix Farm Lane, a single track lane with passing bays, has a minimum carriageway width of some 9-10 ft and at its eastern end is accessible from Chaulden Lane which has a minimum carriageway width of about 10-11 ft. Both roads are without footways or street lighting and are bounded by earthbanks and/or hedgerows.

8. The western end of Pix Farm Lane is linked to the A41 main road by Sharpes Lane and Little Heath Road, both of which have weight restricted bridges and are narrow highways. The canal bridge in Little Heath Road is presently being strengthened.

9. All land necessary for the widening of Pix Farm Lane, from the appeal site to Little Heath Road junction, is not in the appellants' ownership.

CONCLUSIONS

Bearing in mind the above:

62. While it must be accepted that the appeal site has the benefit of an established workshop use and is now used by the appellants for the storage, repair and sale of earthmoving plant, it is clear that the operation of this existing business has had a profound effect on amenity, because of its relative isolation in predominantly rural surroundings in an area subject to green belt restrictions, and because of the inadequacy of the highway network which now affords access to the site.

63. There can be no doubt that the new offices and workshops which it is proposed to erect on site are of a high standard of architectural design and, in the absence of other material planning considerations, these would be a most acceptable substitution for the existing buildings and an improvement on the elevational treatment of the building which has already been approved by the former planning authority.

64. However, the proposal falls to be considered in the light of green belt policy restrictions and, in my opinion, the works cannot reasonably be regarded as a "reinstatement" of the present workshop and office accommodation totalling some 6,000 sq ft as the application requires 14,400 square feet of workshop space and 6,000 square feet of office floor area which would mark a substantial increase in the superficial areas of both uses and building mass.

65. The works are not included in those categories of development normally deemed to be admissible in areas subject to green belt considerations and I agree with the council's assertion that it would be contrary to amenity interests to promote a more intensive industrial use of land in this rural location. The capacity of the new buildings would create the potentiality for higher levels of office and workshop uses on site, even accepting that this may not initially be intended, and it would be imprudent to disregard this aspect of the proposal not only in the interests of amenity but also in the light of access difficulties which now affect the use of the site as a storage/sales/repair depot for earthmoving equipment.

66. Pix Farm Lane is a narrow single track rural highway with passing bays which, because of bridge weight restrictions presently affecting the western approach, now requires access to the site to be effected from the east and involving the use of Chaulden Lane which is, similarly, a narrow country road. These highways are, in my opinion, totally unsuited to the transport of heavy earthmoving plant, even allowing that the present volume of traffic to the depot would not be significantly increased.

67. The appellants acknowledge the difficulties attached to the use of the Chaulden Lane/Pix Farm Lane route and have indicated that the use of a western approach would overcome objections founded on access considerations following the strengthening of the existing canal bridge in Little Heath Road. While adoption of this western route would prove more acceptable, this would nevertheless require the widening of the carriageway along the western section of Pix Farm Lane, extending from the appeal site to Little Heath Road, and involve the acquisition of land for this purpose which is presently outside the appellants control and ownership.

RECOMMENDATION

68. I recommend that this appeal be dismissed.

I have the honour to be

Sir

Your obedient Servant

ARTHUR COCKBURN
Inspector