



Department of the Environment and Department of Transport

Common Services

Room 1417 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 924

Switchboard 0272-218811

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

20160

CHIEF EXECUTIVE
OFFICER

13 APR 1987

File No. CPO 13/4

Ian H Leek Esq ARICS F.R.S.
Chartered Surveyor
32 Jennings Field
Straight Bit
FLACKWELL HEATH
Bucks HP10 9ND

PLANNING DEPARTMENT				Switchboard 0272-218811	
DACORUM DISTRICT COUNCIL					
Ref	ACK			Your reference	
C.P.O.	D.P.	D.C.	B.C.	Admin	File
Received			13 APR 1987		
			Date		
Comments					

T/APP/A1910/A/86/55838/P4

10 APR 87

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY F S N FALKNER ESQ

APPLICATION NO: 4/0862/86

Queen St., Chipperfield

1. As you know, the Secretary of State for the Environment has appointed me to determine this appeal. This is an appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of 2 detached houses, access, garaging and landscaping at The White House, The Common, Chipperfield, Herts. I have considered the representations made by yourself, the Council and interested parties. I inspected the site on 19 January 1987.

2. The White House out of whose garden the appeal site is formed, is at the corner of Queen Street and Windmill Hill fronting onto a wide grass verge which faces a wooded area of Chipperfield Common. Queen Street, which is an unadopted road comprises a terrace of small 2-storey brick built cottages on its south-western side, the opposite side being occupied entirely by The White House and its garden. To the north-east side of the appeal site are allotment gardens and to its rear, that is to the north-west, there is a football ground, and from the rear of site properties in Dunny Lane and The Street are visible.

3. It is proposed that 2 detached dwellings be built on the appeal site after the formation of a boundary between it and what will remain as garden for The White House. The site would be contained within a substantial hedge on its north-east and north-west sides, and to Queen Street the existing 2 m high flint and brick wall would be retained save for removal of part to create access.

4. Chipperfield is a pleasant village which is within the Metropolitan Green Belt. The appeal site is within a conservation area. Whilst development continues along from the appeal site on the northern side of Windmill Hill towards the junction with Dunny Lane, it seems to me that the appeal site, separated as it is by land used for the football ground and allotment gardens, is outside the village core.

5. From my inspection of the site and the surroundings and consideration of the representations, I regard the main issues on this appeal to be whether development of 2 detached dwellings on the appeal site would be as unacceptable as an intrusion into the green belt and adversely affect the conservation area having regard to existing policies.

6. From your submissions I understand that you acknowledge both the purpose and the justification of the policies contained in the Hertfordshire Structure Plan and the Dacorum District Plan relating to the green belt and the conservation area within which the appeal site lies. By reference to Circular 14/84 you submit that this proposal would not be harmful to the green belt and that this is infilling or a rounding-off of development and should accordingly be permitted. In support you

refer me to a decision reached after a public inquiry held in August 1964 in relation to the appeal site, or part of it, wherein the Inspector concluded that development on the appeal site would not be an intrusion into the green belt. You also refer to the recommendation that the proposal in that case was for an excessive development, but that 3 dwellings with garages would be appropriate. The then Minister of Housing and Local Government whilst accepting the Inspector's view, you say refused permission on the ground that further consideration of the green belt boundaries was being undertaken. You suggest that the appeal site is within the main core of Chipperfield Village and infilling by way of small development is permitted by the stated planning policies for the area. Finally, you make reference to the perspective drawing which you say indicates a proposal in keeping with the aims expressed in relating to the conservation area.

7. The Council rely on the policy statements and submit that no need has been shown for this development which accordingly they say, results in the presumption against development not being overcome. They refer to the same appeal in 1964 that you rely upon, pointing out that the Minister also stated that the proposed development "would involve the further spread of building in an area severed from the main part of the green belt village". They confirm that no changes have been made to the boundaries of the green belt in the Chipperfield area, and contend therefore, that the Minister's comments still apply. Whilst they accept that limited infilling may be permitted within the main core of Chipperfield, they contend that the site is not within the core, and nor does it represent a small gap in an otherwise built-up frontage, and is not located along the same frontage as existing development.

8. I agree with the approach adopted by yourself and the Council in relation to support of the structure plan and district plan policies which in this case seeks to prevent urban sprawl and maintain the attractive appearance of the area. Reference has been made to the exception to the overall presumption against development in the green belt contained in a policy which permits limited infilling within the Chipperfield core. Infilling, which has a number of variations around a basic premise of filling in individual or a strictly limited number of plots within a built-up frontage is, I agree with the Council, not appropriate in this case. The appeal site would be bordered by the rear of the garden to The White House and the football field to its north. I do not regard this therefore as being within a built-up frontage. I also do not consider that "rounding-off" is the correct approach to attempt to justify development where the appeal site forms part of the curtilage of an existing development.

9. The grouping and appearance of the buildings in and adjacent to Queen Street and the feature of the flint and brick wall is in my view most attractive and understandably included in a conservation area. Whilst the policy at Paragraph 3/13 of the Dacorum District Plan recognizes that conservation is not preservation, the purpose of the conservation area is to provide an opportunity to conserve and enhance the character of it by controlling the design, location and setting of new development. It seems to me that it follows from those intentions that development which might visually harm the area should not be permitted. Whilst the perspective drawing provides an illustration of an attractive proposal, it would, interfere with the wall and upset the grouping if 2 dwellings were introduced. I consider that the effect would be harmful to the extent which would be contrary to the objectives of the conservation area which I support.

10. Submissions have been made by both yourself and the Council which rely on a decision in respect of this site made some 23 years ago. In my opinion it has only limited value in assisting me since so much time has passed. Indeed there is a choice to be made between the Inspector's viewpoint, which you rely upon coupled with some observations by the Minister, and final conclusions by the Minister which the Council say support their reasons for refusal. There is no doubt that the site when considered from ground level is well screened from the surrounding open areas.

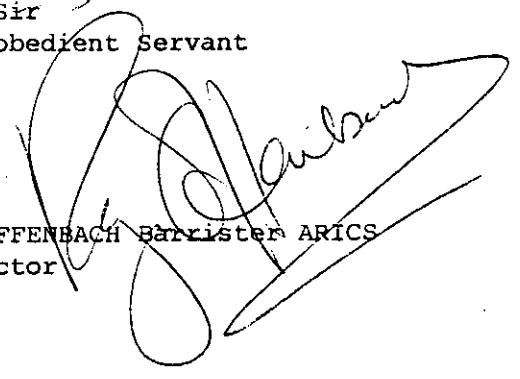
However it seems to me that the type of buildings proposed would have an impact on the green belt. Moreover the policy may be undermined where non essential development is permitted which encroaches onto the green belt and may set a precedent for other incursions into it. There are therefore strong planning objections to this proposal in terms of visual impact and the undermining of policies which should be supported.

11. I have considered all the representations made but none were so cogent as those referred to above which led to my decision.

12. For the above reasons, and in accordance with the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant

R L OFFENBACH Barrister ARICS
Inspector



TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mr I H Leek ARICS
32 Jennings Field
Straight Bit
Flackwell Heath
Bucks

.....Two detached dwellings and garages (Outline).....
.....
at ...Land fronting Queen Street, Chipperfield.....
.....

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 dated16 June 1986..... and received with sufficient particulars on18 June 1986..... 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 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 overriding need has been proved and the development is unacceptable in the terms of this policy.

Dated14..... day of ...August.....19..86..

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.