

an



Department of the Environment and Department of Transport

Common Services

Room 1417 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Direct line 0272-218 927

Switchboard 0272-218811

18326

**CHIEF EXECUTIVE
OFFICE**

30 OCT 1986

File Ref.

Refer to 2 PO 30

Closed

Messrs Murgatroyd
Solicitors
36 Holywell Hill
ST ALBANS
Hertfordshire
AL1 1BT

Ref.				Ack.	
G.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received 30 OCT 1986					
Comments					

Your reference

Our reference

T/APP/A1910/A/86/046078/P2

Date

98 130 62 29 OCT 86

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY ST ALBANS DIOCESAN BOARD OF FINANCE
 APPLICATION NO:- 4/0893/85

1) MB
 2) ~~MB~~
 3) IDAANE
 4) TEAM 2

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council, to refuse planning permission for sheltered housing on land at junction of Highfield Road and Fox Road, Wigginton. I held a local inquiry into the appeal on 30 September 1986.
- At the start of the inquiry, some difference of opinion was expressed as to whether the application was in respect of an outline proposal with an illustrative layout or whether the layout should be considered as a formal part of the application. As the application form specifically states that the application is in outline form and not a full planning application, I have dealt with the proposal on that basis and the layout plan being only an illustration of the type of development which could take place.
- From my inspection of the site and the surrounding area and taking into account the evidence presented to me at the inquiry, I am of the opinion that the main issue in this case is whether the proposal should be regarded as an exception to green belt policy bearing in mind the advice given in Circulars 14/84 and 14/85.
- It was accepted on behalf of your clients that the site lies within Wigginton which is a village in the Metropolitan Green Belt. However, you considered that in accordance with Policies 4 and 5 of the District Plan, the scheme for sheltered housing could be permitted and that the land makes no contribution to the aims and objectives of green belt policy. Therefore, in accordance with recent Government Circulars, the use of this land for residential purposes would help to minimise the need to encroach further into the rural countryside.
- On the question of adopted policy, you pointed out that the Structure Plan policies were in the process of being reviewed, and that the County Council were seeking to accommodate a further increase in housing demand, but without prejudice to green belt and general planning objectives. In terms of the Local Plan, Policy 5 does allow for some small-scale development within the main core of Wigginton provided it accords with Policy 4. The limitations of this latter policy are to resist development unless associated with agriculture or similar uses and for the local facilities and services of individual settlements. To this end you suggested that in Wigginton, the census figures show that over 500 dwellings in the Parish are occupied by persons of pensionable age. On the basis of these figures you concluded that the proposed dwellings in serving the needs of 500 family dwellings and 97 existing elderly person households represented only 3% of housing stock. This was

2% below the Borough average and which in your opinion should be nearer 15% if the problem of accommodating the elderly is to be met. You also mentioned the possibility of providing starter homes on the land. You pointed out that the Borough Council had identified the most urgent needs of the area to include the provision of elderly and newly formed households. Also, that the Structure Plan specifically mentions the useful contribution to be made in such accommodation by private sector house building. Based on the assessments made of the census figures, you concluded that your client had made out a substantial case in the terms of Policy 4 of the District Plan.

6. However, you suggested that in the event of me not agreeing that a satisfactory case had been made out, the scheme should be regarded as an exception to green belt policy because the land was already in residential use, it was surrounded by other housing, accepted by the Council as being within the core of the village and would not make any contribution towards the aims and objectives of green belt policy. In the latter respect, you set out in detail the functions of green belt policy given in the various Circulars. You suggested that the scheme would not cause an expansion of the village, it would not cause merging of the village with another, it would preserve the existing character of the village and would not encroach into open countryside. Based on this information, you emphasised the advice given in recent Government circulars which have been published since the last appeal decision given in Wigginton. In those documents, the Secretary of State has made clear that only development which would cause demonstrable harm to interests of acknowledged importance should be resisted. You considered that the proposed development would not cause such harm, but would make a useful contribution towards accommodating the anticipated increase in housing development in the Borough.

7. Among the points put forward by the Council, it was said that Policies 4 and 5 of the District Plan were well established in the rural areas. The Council had consistently applied these policies with the intention of protecting green belt villages from expansion. It was accepted that the site is within the main core of the village and that the land, being occupied by 2 dwellings, was in residential use. However, the Borough Council Housing Department figures show little demand for elderly person accommodation within the village. Whilst acknowledging the detailed information obtained by the appellant regarding elderly person occupation in the village, the Council considered that a sheltered housing scheme did not justify setting aside the restrictions imposed by Policies 1, 4 and 5 of the District Plan. Furthermore, it would be wrong to release land capable of development for non-essential development as any future demand for housing such as agricultural workers' dwellings would then have to be met on the edges of villages or in the open countryside.

8. The Council considered that no local need had adequately been demonstrated and therefore in accordance with Circulars 14/84 and 14/85, the development would conflict with green belt policies and cause harm to the rural areas. Whilst the Council agreed that the appeal site may be suitable for some form of development which did not conflict with the aims of Circular 42/55, the objectives of the Structure Plan and District Plan to restrain growth in the green belt, remains a major consideration. In conclusion, the Council stated that there was a basic presumption against development in green belt villages and that if you were to prove your case of local need, some effort of canvassing demand was necessary. Also that previous appeal decisions had upheld the Council's green belt policies and objective of directing new residential development to urban areas.

9. Evidence was given by local residents, who suggested that the development would adversely affect the amenities of existing residents and that in view of the difficulty experienced sometimes in filling existing elderly person accommodation in Wigginton, it was unlikely that there was a demand for sheltered accommodation.

Furthermore, in view of the limited social facilities in the village, it was not an appropriate location for elderly person accommodation.

10. Turning firstly to the question of local need for this type of development, I note that the Council's Housing Investment Programme puts emphasis on the provision of units for the elderly and the Structure Plan points to the role that the private sector could play in such provision. The Council also accept that some form of housing would be appropriate on the land provided it conforms to Policy 4. In this context the Council would prefer such land to be reserved for specified development such as agricultural workers' dwellings. Whilst I can see the objective of such a proposition, it seems to me that adequate numbers of this form of housing are unlikely to be forthcoming and, furthermore, it was accepted by the Council in cross-examination that the other forms of development available to comply with Policy 4 were minimal.

11. Your detailed information regarding the formation of existing households in Wigginton does appear to indicate the existence of a large number of persons who may qualify for the type of accommodation that your clients propose. However, as the Council pointed out, you did not include a survey of the demand by those persons of their wish to move. It seems to me therefore that the question of demand from residents of Wigginton is still debateable, but one issue which is accepted by the Council is the shortage generally of elderly person accommodation. I was told at the inquiry that the Council in placing tenants in elderly person dwellings is likely to draw occupants from other parts of the Borough. Indeed, some elderly persons have moved from Wigginton into Tring. As the Council draws tenants from a wider area than the village of Wigginton to fill their elderly person accommodation, it seems to me that the term 'local' in determining demand has already been accepted by the Council as meaning more than just the demand from Wigginton. Certainly, on a cumulative basis the provision of sheltered accommodation in the village would assist generally in providing such accommodation in the Borough and therefore pursuing the objectives of the Structure Plan.

12. Dealing now with the general objectives of green belt policy, the Secretary of State has made it clear in recent Circulars that there is a need to accommodate further housing in both town and village. In emphasising the permanence of the green belt generally, Circular 14/84 clearly states the need to consider green belt boundaries most carefully and not to include under the protection of that policy, land which it is unnecessary to keep permanently open for the purposes of the green belt, otherwise there is a risk that encroachment into the green belt may be necessary in order to accommodate future housing demand. The Circular stresses the importance of bringing into use land which may be neglected or derelict in order to reduce the pressure on undeveloped land.

13. The appeal site is already developed with 2 residential properties and which without further planning permission could be occupied and would be likely to be able to claim full permitted development rights. This could involve the clearance of hedges and trees and the construction of domestic sheds and buildings thus creating the appearance of a residential site rather than the overgrown and dilapidated appearance existing at present. It seems to me therefore that there is a different situation from that existing at the appeal site in Fieldway and that your proposal is to increase the number of residential units on a site already being used for that purpose. As the scheme is for sheltered accommodation for which there is an acknowledged demand throughout the Borough, I consider that the proposal could be regarded as an exception to the Council's green belt policies. Government support for the objectives of the green belt have not diminished; however, to continue to find land for housing without encroaching into the open countryside in the green belt, it may sometimes be necessary to use land within the built-up areas of villages of this nature. Furthermore, Circular 14/85 advises that development plans are one,

but only one, of the material considerations to be taken into account when determining planning applications. For the reasons that I have given, I consider that this type of accommodation would be useful in the general housing programme for the Borough and that the site is suitable for such housing.

14. The Council requested that consideration be given to an agreement under Section 52 of the Town and Country Planning Act 1971 to limit the development to sheltered accommodation for the elderly and you did confirm your client's acceptance of that limitation. I have given careful consideration to this suggestion, but in view of the fact that the development proposed is clearly stated to be sheltered accommodation for the elderly and you confirmed that your clients have every intention of proceeding with this form of development I do not consider this restriction to be necessary. The Secretary of State is of the opinion that this method of control is not usually desirable since it deprives a developer of the opportunity of seeking to have restrictions varied or removed by an application or appeal under Part III of the Act. In these circumstances, I do not consider that I should impose such a restriction.

15. In respect of the conditions suggested by the Council and accepted by your clients, I also agree that as the scheme was submitted in outline form, it is necessary to require the submission of detailed plans, layout and provision of car parking. To ensure that the site retains a rural appearance I consider that existing hedges and trees should be retained unless it is necessary to remove them for purposes of the new development and that a landscaping scheme for additional planting be provided.

16. I have taken into account all other matters raised at the inquiry, but none outweighed the considerations which led to my decision.

17. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for sheltered housing on land at the junction of Highfield Road and Fox Road, Wigginton in accordance with the terms of the application No 4/0893/85 dated 12 June 1985 and the plans submitted therewith, subject to the following conditions:

1.
 - a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site hereinafter referred to as 'the reserved matters' shall be obtained from the local planning authority;
 - b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter.
2. The development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. five years from the date of this letter; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.
3. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of these to be retained, together with measures for their protection in the course of development.

4. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following occupation of the buildings or completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

5. No development shall take place until a scheme of car parking has been submitted to and approved by the local planning authority and no dwelling shall be occupied until the parking has been completed in accordance with the approved scheme.

18. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

19. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'D. G. Hollis'.

D G HOLLIS BA DipTP MRTPI
Inspector

DOCUMENTS (CONTINUED)

- Document 6 - Copy of extracts from the Hertfordshire County Structure Plan Review Explanatory Memorandum document and handed in by Mr Carter.
- Document 7 - Copy of census data for area and handed in by Mr Carter.

PLANS

- Plan A - Copy of submitted application plan.
- Plan B - Copy of plan showing village core and social facilities and handed in by Mr Carter.
- Plan C - Copy of plan showing village core as defined by Council and handed in by Mr Bailey.

APPEARANCES

FOR THE APPELLANTS

Mr D Raine

- Solicitor of Murgatroyds, Solicitors,
36 Holywell Hill, St Albans,
Hertfordshire, AL1 1BT.

He called:

Mr P W C Carter FRTPI FFS

- of Brian Hall Associates,
Consultant Chartered Town Planners,
1 Aubreys, Letchworth,
Hertfordshire, SG6 3TX.

FOR THE PLANNING AUTHORITY

Miss A Burton

- Assistant Solicitor to Dacorum
Borough Council.

She called:

Mr G P Bailey ARICS

- Senior Assistant Planner for
Dacorum Borough Council.

INTERESTED PERSONS

Mr J T Kirk

- of 6 Fox Close, Wigginton, Tring,
Hertfordshire and Chairman of
Fox Close Residents Association.

Councillor A Whitehead

- of "Tinkers Hole", Tinkers Lane,
Wigginton, Tring, Hertfordshire
and Borough Councillor for the
area.

Mr D Peerman

- of "Oddywood", Fox Close,
Wigginton, Tring, Hertfordshire.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Copy of notification of appeal and those notified.
- Document 3/1-3/6 - Bundle of letters of objection from residents.
- Document 4 - Copy of letter of objection from Chairman of Fox Close Residents' Association.
- Document 5 - Copy of letter from appellants to Murgatroyds, Solicitors dated 29 September 1986 and handed in by Mr Carter.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

BH

DACORUM BOROUGH COUNCIL

To St.Albans Diocesan Board of Finance Brian Hull Associates
 "Holywell Lodge" 1 Aubreys
 41 Holywell Hill, Letchworth
 St.Albans

..... Sheltered Housing (Outline)

 at Highfield Road/Vicarage Road, Wigginton

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 12th June 1985 and received with sufficient particulars on 10th July 1985 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 within the Metropolitan Green Belt on the Dacorum District Plan where permission will only be given for development 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 proposals are not supported by evidence of need sufficient to satisfy Policy 4 of the District Plan.

Dated 5th day of September 19 85..

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.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

SUPERSEDED

To St Albans Diocesan Board of Finance
 "Holywell Lodge"
 41 Holywell Hill
 St Albans

Brian Hull Associates
 1 Aubreys
 Letchworth

Sheltered Housing (Outline)

at Highfield Road/Vicarage Road, Wigginton

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 12th June 1985 and received with sufficient particulars on 10th July 1985 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 within the Metropolitan Green Belt on the Dacorum District Plan where permission will only be given for development 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 proposals are not supported by evidence of need sufficient to satisfy Policy 4 of the District Plan.

Dated 5th day of September 1985.

Signed

W. B. B. B. B.

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

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.

an



Department of the Environment and Department of Transport

Common Services

Room 1417, Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

 PLANNING DEPARTMENT
 DACORUM DISTRICT COUNCIL

Direct line 0272-218 927

Switchboard 0272-218811

Messrs Murgatroyd
Solicitors
36 Holywell Hill
ST ALBANS
Hertfordshire
AL1 1BT

Ref.				Ack.	
G.O.	D.P.	D.C.	B.C.	Admin.	File
Received 11 86					
Comments					

Your reference

Our reference

T/APP/A1910/A/86/046078/P2

Date

98 100 67 29 OCT 86

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY ST ALBANS DIOCESAN BOARD OF FINANCE
 APPLICATION NO:- 4/0893/85

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council, to refuse planning permission for sheltered housing on land at junction of Highfield Road and Fox Road, Wigginton. I held a local inquiry into the appeal on 30 September 1986.

2. At the start of the inquiry, some difference of opinion was expressed as to whether the application was in respect of an outline proposal with an illustrative layout or whether the layout should be considered as a formal part of the application. As the application form specifically states that the application is in outline form and not a full planning application, I have dealt with the proposal on that basis and the layout plan being only an illustration of the type of development which could take place.

3. From my inspection of the site and the surrounding area and taking into account the evidence presented to me at the inquiry, I am of the opinion that the main issue in this case is whether the proposal should be regarded as an exception to green belt policy bearing in mind the advice given in Circulars 14/84 and 14/85.

4. It was accepted on behalf of your clients that the site lies within Wigginton which is a village in the Metropolitan Green Belt. However, you considered that in accordance with Policies 4 and 5 of the District Plan, the scheme for sheltered housing could be permitted and that the land makes no contribution to the aims and objectives of green belt policy. Therefore, in accordance with recent Government Circulars, the use of this land for residential purposes would help to minimise the need to encroach further into the rural countryside.

5. On the question of adopted policy, you pointed out that the Structure Plan policies were in the process of being reviewed, and that the County Council were seeking to accommodate a further increase in housing demand, but without prejudice to green belt and general planning objectives. In terms of the Local Plan, Policy 5 does allow for some small-scale development within the main core of Wigginton provided it accords with Policy 4. The limitations of this latter policy are to resist development unless associated with agriculture or similar uses and for the local facilities and services of individual settlements. To this end you suggested that in Wigginton, the census figures show that over 500 dwellings in the Parish are occupied by persons of pensionable age. On the basis of these figures you concluded that the proposed dwellings in serving the needs of 500 family dwellings and 97 existing elderly person households represented only 3% of housing stock. This was

2% below the Borough average and which in your opinion should be nearer 15% if the problem of accommodating the elderly is to be met. You also mentioned the possibility of providing starter homes on the land. You pointed out that the Borough Council had identified the most urgent needs of the area to include the provision of elderly and newly formed households. Also, that the Structure Plan specifically mentions the useful contribution to be made in such accommodation by private sector house building. Based on the assessments made of the census figures, you concluded that your client had made out a substantial case in the terms of Policy 4 of the District Plan.

6. However, you suggested that in the event of me not agreeing that a satisfactory case had been made out, the scheme should be regarded as an exception to green belt policy because the land was already in residential use, it was surrounded by other housing, accepted by the Council as being within the core of the village and would not make any contribution towards the aims and objectives of green belt policy. In the latter respect, you set out in detail the functions of green belt policy given in the various Circulars. You suggested that the scheme would not cause an expansion of the village, it would not cause merging of the village with another, it would preserve the existing character of the village and would not encroach into open countryside. Based on this information, you emphasised the advice given in recent Government circulars which have been published since the last appeal decision given in Wigginton. In those documents, the Secretary of State has made clear that only development which would cause demonstrable harm to interests of acknowledged importance should be resisted. You considered that the proposed development would not cause such harm, but would make a useful contribution towards accommodating the anticipated increase in housing development in the Borough.

7. Among the points put forward by the Council, it was said that Policies 4 and 5 of the District Plan were well established in the rural areas. The Council had consistently applied these policies with the intention of protecting green belt villages from expansion. It was accepted that the site is within the main core of the village and that the land, being occupied by 2 dwellings, was in residential use. However, the Borough Council Housing Department figures show little demand for elderly person accommodation within the village. Whilst acknowledging the detailed information obtained by the appellant regarding elderly person occupation in the village, the Council considered that a sheltered housing scheme did not justify setting aside the restrictions imposed by Policies 1, 4 and 5 of the District Plan. Furthermore, it would be wrong to release land capable of development for non-essential development as any future demand for housing such as agricultural workers' dwellings would then have to be met on the edges of villages or in the open countryside.

8. The Council considered that no local need had adequately been demonstrated and therefore in accordance with Circulars 14/84 and 14/85, the development would conflict with green belt policies and cause harm to the rural areas. Whilst the Council agreed that the appeal site may be suitable for some form of development which did not conflict with the aims of Circular 42/55, the objectives of the Structure Plan and District Plan to restrain growth in the green belt, remains a major consideration. In conclusion, the Council stated that there was a basic presumption against development in green belt villages and that if you were to prove your case of local need, some effort of canvassing demand was necessary. Also that previous appeal decisions had upheld the Council's green belt policies and objective of directing new residential development to urban areas.

9. Evidence was given by local residents, who suggested that the development would adversely affect the amenities of existing residents and that in view of the difficulty experienced sometimes in filling existing elderly person accommodation in Wigginton, it was unlikely that there was a demand for sheltered accommodation.

Furthermore, in view of the limited social facilities in the village, it was not an appropriate location for elderly person accommodation.

10. Turning firstly to the question of local need for this type of development, I note that the Council's Housing Investment Programme puts emphasis on the provision of units for the elderly and the Structure Plan points to the role that the private sector could play in such provision. The Council also accept that some form of housing would be appropriate on the land provided it conforms to Policy 4. In this context the Council would prefer such land to be reserved for specified development such as agricultural workers' dwellings. Whilst I can see the objective of such a proposition, it seems to me that adequate numbers of this form of housing are unlikely to be forthcoming and, furthermore, it was accepted by the Council in cross-examination that the other forms of development available to comply with Policy 4 were minimal.

11. Your detailed information regarding the formation of existing households in Wigginton does appear to indicate the existence of a large number of persons who may qualify for the type of accommodation that your clients propose. However, as the Council pointed out, you did not include a survey of the demand by those persons of their wish to move. It seems to me therefore that the question of demand from residents of Wigginton is still debateable, but one issue which is accepted by the Council is the shortage generally of elderly person accommodation. I was told at the inquiry that the Council in placing tenants in elderly person dwellings is likely to draw occupants from other parts of the Borough. Indeed, some elderly persons have moved from Wigginton into Tring. As the Council draws tenants from a wider area than the village of Wigginton to fill their elderly person accommodation, it seems to me that the term 'local' in determining demand has already been accepted by the Council as meaning more than just the demand from Wigginton. Certainly, on a cumulative basis the provision of sheltered accommodation in the village would assist generally in providing such accommodation in the Borough and therefore pursuing the objectives of the Structure Plan.

12. Dealing now with the general objectives of green belt policy, the Secretary of State has made it clear in recent Circulars that there is a need to accommodate further housing in both town and village. In emphasising the permanence of the green belt generally, Circular 14/84 clearly states the need to consider green belt boundaries most carefully and not to include under the protection of that policy, land which it is unnecessary to keep permanently open for the purposes of the green belt, otherwise there is a risk that encroachment into the green belt may be necessary in order to accommodate future housing demand. The Circular stresses the importance of bringing into use land which may be neglected or derelict in order to reduce the pressure on undeveloped land.

13. The appeal site is already developed with 2 residential properties and which without further planning permission could be occupied and would be likely to be able to claim full permitted development rights. This could involve the clearance of hedges and trees and the construction of domestic sheds and buildings thus creating the appearance of a residential site rather than the overgrown and dilapidated appearance existing at present. It seems to me therefore that there is a different situation from that existing at the appeal site in Fieldway and that your proposal is to increase the number of residential units on a site already being used for that purpose. As the scheme is for sheltered accommodation for which there is an acknowledged demand throughout the Borough, I consider that the proposal could be regarded as an exception to the Council's green belt policies. Government support for the objectives of the green belt have not diminished; however, to continue to find land for housing without encroaching into the open countryside in the green belt, it may sometimes be necessary to use land within the built-up areas of villages of this nature. Furthermore, Circular 14/85 advises that development plans are one,

but only one, of the material considerations to be taken into account when determining planning applications. For the reasons that I have given, I consider that this type of accommodation would be useful in the general housing programme for the Borough and that the site is suitable for such housing.

14. The Council requested that consideration be given to an agreement under Section 52 of the Town and Country Planning Act 1971 to limit the development to sheltered accommodation for the elderly and you did confirm your client's acceptance of that limitation. I have given careful consideration to this suggestion, but in view of the fact that the development proposed is clearly stated to be sheltered accommodation for the elderly and you confirmed that your clients have every intention of proceeding with this form of development I do not consider this restriction to be necessary. The Secretary of State is of the opinion that this method of control is not usually desirable since it deprives a developer of the opportunity of seeking to have restrictions varied or removed by an application or appeal under Part III of the Act. In these circumstances, I do not consider that I should impose such a restriction.

15. In respect of the conditions suggested by the Council and accepted by your clients, I also agree that as the scheme was submitted in outline form, it is necessary to require the submission of detailed plans, layout and provision of car parking. To ensure that the site retains a rural appearance I consider that existing hedges and trees should be retained unless it is necessary to remove them for purposes of the new development and that a landscaping scheme for additional planting be provided.

16. I have taken into account all other matters raised at the inquiry, but none outweighed the considerations which led to my decision.

17. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for sheltered housing on land at the junction of Highfield Road and Fox Road, Wigginton in accordance with the terms of the application No 4/0893/85 dated 12 June 1985 and the plans submitted therewith, subject to the following conditions:

1.
 - a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site hereinafter referred to as 'the reserved matters' shall be obtained from the local planning authority;
 - b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter.
2. The development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. five years from the date of this letter; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.
3. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of these to be retained, together with measures for their protection in the course of development.

4. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following occupation of the buildings or completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

5. No development shall take place until a scheme of car parking has been submitted to and approved by the local planning authority and no dwelling shall be occupied until the parking has been completed in accordance with the approved scheme.

18. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

19. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



D G HOLLIS BA DipTP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr D Raine

- Solicitor of Murgatroyds, Solicitors,
36 Holywell Hill, St Albans,
Hertfordshire, AL1 1BT.

He called:

Mr P W C Carter FRTPI FFS

- of Brian Hall Associates,
Consultant Chartered Town Planners,
1 Aubreys, Letchworth,
Hertfordshire, SG6 3TX.

FOR THE PLANNING AUTHORITY

Miss A Burton

- Assistant Solicitor to Dacorum
Borough Council.

She called:

Mr G P Bailey ARICS

- Senior Assistant Planner for
Dacorum Borough Council.

INTERESTED PERSONS

Mr J T Kirk

- of 6 Fox Close, Wigginton, Tring,
Hertfordshire and Chairman of
Fox Close Residents Association.

Councillor A Whitehead

- of "Tinkers Hole", Tinkers Lane,
Wigginton, Tring, Hertfordshire
and Borough Councillor for the
area.

Mr D Peerman

- of "Oddyword", Fox Close,
Wigginton, Tring, Hertfordshire.

DOCUMENTS

- | | |
|------------------|---|
| Document 1 | - List of persons present at the inquiry. |
| Document 2 | - Copy of notification of appeal and those notified. |
| Document 3/1-3/6 | - Bundle of letters of objection from residents. |
| Document 4 | - Copy of letter of objection from Chairman of Fox Close Residents' Association. |
| Document 5 | - Copy of letter from appellants to Murgatroyds, Solicitors dated 29 September 1986 and handed in by Mr Carter. |

DOCUMENTS (CONTINUED)

- Document 6 - Copy of extracts from the Hertfordshire County Structure Plan Review Explanatory Memorandum document and handed in by Mr Carter.
- Document 7 - Copy of census data for area and handed in by Mr Carter.

PLANS

- Plan A - Copy of submitted application plan.
- Plan B - Copy of plan showing village core and social facilities and handed in by Mr Carter.
- Plan C - Copy of plan showing village core as defined by Council and handed in by Mr Bailey.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

BH

DACORUM BOROUGH COUNCIL

To St. Albans Diocesan Board of Finance Brian Hull Associates
 "Holywell Lodge" 1 Aubreys
 41 Holywell Hill, Letchworth
 St. Albans

..... Sheltered Housing (Outline)

.....

at Highfield Road/Vicarage Road, Wigginton

.....

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 12th June 1985 and received with sufficient particulars on 10th July 1985 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 within the Metropolitan Green Belt on the Dacorum District Plan where permission will only be given for development 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 proposals are not supported by evidence of need sufficient to satisfy Policy 4 of the District Plan.

Dated 5th day of September 19 85 ..

Signed.....



SEE NOTES OVERLEAF

P/D. 15

Chief Planning Officer

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.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

SUPERSEDED

To St Albans Diocesan Board of Finance
"Holywell Lodge"
41 Holywell Hill
St Albans

Brian Hull Associates
1 Aubreys
Letchworth

Sheltered Housing (Outline)

at Highfield Road/Vicarage Road, Wigginton

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 12th June 1985 and received with sufficient particulars on 10th July 1985 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 within the Metropolitan Green Belt on the Dacorum District Plan where permission will only be given for development for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.

Dated 5th day of September 1985.

Signed



Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

1. If the applicant is a planning authority to proposed developments, subject to conditions, State for the Environm

- 