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CHIEF EXECUTIVE

18 MAY 1984

File Ref

Refer to

Cleared

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL

Your reference

1/SPN

Our reference

T/APP/A1910/A/83/009813/NS5

Date

17 MAY 84

Paul Camp Esq FRICS
Chartered Surveyor
6a St Peter's Street
ST ALBANS
Herts
AL1 3LF

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS G S O'NEAL
APPLICATION NO:- 4/0897/83

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. The appeal is against the decision of the Dacorum District Council to refuse planning permission for the change of use of outbuilding to dwelling at the Red House, Little Gaddesden.
2. From my inspection of the site and surroundings on 2 April 1984, and from my consideration of the written representations made by you, the council and an interested person, I am of the opinion that the decision in this appeal rests primarily on whether the proposed conversion would be harmful to the rural character of the area on the edge of the Little Gaddesden Conservation Area and, if so, whether there are any special circumstances that would justify overriding other planning considerations.
3. The building subject of the appeal is unusual in that it was originally erected specifically to house steam traction engines which in bygone days were used in connection with farming the surrounding land on the estate. The building, which has a timber frame, with lined timber walls (above a low brick base wall) and what appears to be an asbestos sheet roof, is in very good condition and is quite suitable for continued storage of equipment and tools required for running the estate, although it is open at one end. The building is situated well back from the road at the end of a wide drive which also serves the main house. There are other outbuildings, mainly stables, in the immediate vicinity. The Red House is an attractive Victorian style residence erected about 1870 to replace an older dwelling, but neither it nor the traction engine house have been considered worthy of listing as being of architectural or historic interest. However both are within the designated Little Gaddesden Conservation Area.
4. In the approved County Structure Plan the appeal site is shown as being in a rural area beyond the Metropolitan Green Belt, as extended and shown in the deposited Dacorum District Plan. In such areas new residential development will normally be restricted to that necessary in connection with agriculture or an appropriate use of the land. The district plan does make provision for some very limited infilling development in certain larger villages, but Little Gaddesden is not identified as such. As a settlement in the Chiltern Area of Outstanding Natural Beauty, and as a designated Conservation Area, it is of course subject to special care and protection, and in accordance with national development control policies only development that would serve to preserve or enhance its character should be allowed.

5. While I note the personal and compassionate medical reasons put forward for your client and her family requiring a new dwelling, it is made clear in Development Control Policy Note No. 1 that although such arguments must always be considered they can rarely prevail other than in very finely balanced cases where there is no decisive planning objection to the development. In my view there are substantial objections to this proposal in the present circumstances.

6. In the first place the proposed conversion would not be in accordance with the provisions of the applicable development plans as the area is not considered to be suitable for further residential development. A new dwelling, with all the appurtenances of modern living, in the building would extend the purely residential area of the settlement further into the countryside to the detriment of its rural character as the appeal site is completely beyond the domestic curtilage of the Red House. I do not consider the proposal would be justified, at least for the present, on grounds that it would be necessary to preserve or enhance the Conservation Area. While the building's past is of interest, this has not so far been regarded by experts as making it worthy of listing and in any event its condition is such that it does not appear to be in any danger of falling into disuse or being lost in the near future. The structure itself is not particularly attractive and it is only its connection with former agricultural practices that make it of historical interest. I have some doubts as to whether such interest would in fact remain if the building were converted into a dwelling - the ideal solution would of course be to use it as a small museum to house one or two traction engines restored by an enthusiast or preservation society.

7. I am thus of the view that it would not be justified to grant permission for the proposed development, at least at this stage, notwithstanding the fact that I have considerable sympathy with your client and family for the reasons explained in your letter to the council dated 7 July 1983, and expanded in your statement, and I hope that some satisfactory suitable alternative solution may be found to her problem.

8. I have examined all the other matters raised in the written representations, including the references to other conversions of old buildings permitted in Little Gaddesden, and the barn at Hawridge to which you refer, but each proposal - particularly those of this nature - must be judged primarily on their specific merits, and there is nothing else of sufficient substance to outweigh those considerations that have led me to my decision.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant



J M DANIEL DFC FBIM
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mrs.G.S.O'Neal,
The Red House,
Little Gaddesden,
Herts.

Mr. Paul Camp FRICS
6a St.Peter's St.,
St.Albans,
Herts.

..... Change of use of out-building to dwelling.....
.....
at Adj. Red House.....
..... Little Gaddesden.....

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 8th July 1983 and received with sufficient particulars on 11th July 1983 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 a rural area beyond the Green Belt - on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) wherein permission will only be given for the use of land, the construction of new buildings, changes of use or extension of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.

Dated 1st day of September 19 83 ..

Signed.....

Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Tollgate House, Moulton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.