



## Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272 218927

Switchboard 0272 218811

ENT  
COUNCIL  
GTN 132

Messrs Johnson & Partners  
39A High Street  
HEMEL HEMPSTEAD  
Herts  
HP1 3AA

T.C.P.M.

D.P.

B.C.

Admin.

File

Our Reference:

T/APP/A1910/A/89/141825/P3

Your Reference:

AJP/WG/1807

Date:

10 MAY 1990

Received

Comments

Ack.

9 MAY 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR B WOOLCOTT  
APPLICATION NO. 4/0947/89

1. As you know I have been appointed by the Secretary of State for the Environment to determine this appeal. The appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a house and garage on land adjacent to The Brewhouse, The Bit, Wigginton. I have considered the written representations made by you and by the Council and I inspected the site on 1 May 1990.

2. I note that your client's application was submitted to the Council in outline. However, the submitted plan shows the siting of the proposed house, and I make it clear that I regard this siting as part of the application because there is no clear indication that this is not the case.

3. The Bit is a narrow lane running off the west side of Chesham Road within the village of Wigginton, and the appeal site is on the north side of The Bit about 30m from its junction with Chesham Road. The land between the site and Chesham Road is occupied by The Brewhouse, now a private dwelling but formerly a public house, and its garden.

4. The appeal site lies within the approved Metropolitan Green Belt and the designated Chilterns Area of Outstanding Natural Beauty (AONB). Bearing these points in mind, together with my inspection of the appeal site and its surroundings, and my reading of the other representations made, I consider that the main issues in this appeal are: firstly, whether your client's project ought to be allowed taking into account the restrictive policies applying to inappropriate development in the Green Belt; and, secondly, whether the project would be consistent with the preservation and enhancement of the natural beauty of the AONB.

5. On the first issue, there has been no claim on behalf of your client that his project constitutes one of the types of development exempt from the general presumption against development in the Green Belt. The Council therefore rejected your client's project on the basis of it being contrary to policy 4 of the adopted Dacorum District Plan. Bearing in mind that Wigginton village is entirely within the Green Belt in the District Plan, the Plan's policy 4 says effectively that development will not normally be permitted within the settlement other than for essential uses appropriate to the rural area. Although policy 5 says that small-scale residential development may be permitted within the main core of the village, and the main core



includes the appeal site, that policy makes it clear that the development has to be related to the essential uses referred to in policy 4. As this is not the case with the appeal project, that part of your argument related to policy 5 does not convince me, and the policy argument weighs against your client's project.

6. Nevertheless, you have referred to various other circumstances and I have considered whether these justify allowing your client's project. You have acknowledged that in 1974 an appeal was dismissed for a house and garage on the same site that I am considering, but you argue that the surroundings of the appeal site have changed since then, including its present lack of relationship with the land to the south-east. I comment below on existing circumstances, although I am unable to reach a firm view on how much change there has been since 1974.

7. You also refer to other decisions relating to residential development elsewhere in the village core where Green Belt policies are applicable. My general conclusion on these cases is that they go some way, at least, towards offsetting the arguments against the appeal project covered in para 5 above. In particular, I am not convinced by the Council's argument that, because some of the sites where development has been allowed are larger than the appeal site, the precedent argument has little force. It seems to me that villages in Green Belts (and not just Wigginton) may contain a mixture of potential development sites, both large and small, while the Council's argument also ignores the greater impact that a relatively large development can have compared with a smaller one. Finally, I believe the decision in February 1990 to dismiss an appeal relating to land adjoining Highfield Road was made in the context of the development proposed there affecting a much more substantial part of the village than would be the case with the project before me.

8. The final aspect of the first issue that I need to consider is what harm would result from granting permission, as I am not convinced that the mere fact that the appeal site is in the Green Belt constitutes a sound and clear-cut reason for refusing permission. I saw that Wigginton is a substantial village, and although it has a good number of trees and other vegetation which soften its appearance much of its housing is suburban rather than rural in character. The appeal site lies behind a tall hedge on The Bit frontage, and there are other tall hedges in the vicinity. Part of the frontage hedge would need to be removed for access purposes, but I am not convinced that this would seriously harm the appearance of the area. The northern side of The Bit is built up with dwellings, and the appeal project would merely add another to the existing line. In addition, I saw that although The Brewhouse garden has a considerable number of trees, this does not prevent views being readily obtained from Chesham Road of dwellings at the back of those fronting the north side of The Bit, and it seems to me that the appeal project would fit readily into this scene. Bearing in mind these points together with what I have said in para 7 above, it therefore seems to me that, so far as the first issue is concerned, your client's project could be allowed as an exception to Green Belt policies.

9. On the second issue, it seems to me that the bulk of the arguments have been covered in paras 7 and 8. I make one additional point: in my opinion, your client's project would not affect the appearance of what I regard as the true countryside on the eastern side of Chesham Road outside the village core. Therefore, given a suitable design for the proposed house, which is a matter for control by the Council, I see no reason why the project should not be consistent with the preservation and enhancement of the natural beauty of the AONB.

10. I have taken account of all the other matters raised, but none of them is as important as those that have led to my decision.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a house and garage on land adjacent to The Brewhouse, The Bit, Wigginton, in accordance with the terms of the application (no. 4/0947/89) dated 25 May 1989 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the design and external appearance of the building, 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. 5 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.

12. 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.

13. 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



M J CROFT MA DipTP MRTPI MBIM  
Inspector

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To B Woolcott  
Birch House  
Ashridge Park  
Little Gaddesden

Johnson & Partners  
39a High Street  
Hemel Hempstead  
Herts

..... One dwelling (OUTLINE) .....
.....
at .... Adjacent the Bewhouse .....
..... The Bit, 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 ..... 25 May 1989 ..... and received with sufficient particulars on ..... 30 May 1989 ..... 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 adopted 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 need has been proven and the proposed development is unacceptable in the terms of this policy.
2. The adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of this policy and would adversely affect the rural character and open appearance of this part of Wigginton.

Dated ... Seventeenth ..... day of ..... August ..... 1989

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.