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Your reference

1561/MJ/SR

Our reference

T/APP/1940/A/87/066891 and
066892/P2

Date

18 JUN 1987

16 JUN 87

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY BEECHWOOD HOMES LTD
APPLICATION NOS:- 8/972/86 AND 8/971/86

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the decisions of the Three Rivers District Council, to refuse outline planning permission for (1) the erection of 4 two-bedroom houses and 14 two-bedroom flats with car parking and (2) erection of buildings for high technology use comprising light industrial and office use with car parking, both on land opposite the former Abbots No 1 works, Railway Terrace, Kings Langley, Herts. I held a local inquiry into the appeals on 12 May 1987.
2. From my inspection of the site and its surroundings and from the representations made to me I consider that the main issues in both these appeals are first; whether the site has been correctly included within the Green Belt and, if so, secondly; whether the presumption against new development in the Green Belt is overridden in the particular circumstances of these cases having regard to relevant planning policies and other material considerations.
3. The appeal site is a predominantly open grassed and treed area upon which there is a surfaced car park and some small buildings on its walled frontage. It is situated at the northern edge of Kings Langley, a large industrial village and adjoins a storm water balancing lake and the Grand Union Canal beyond which is a short stretch of countryside and then the outskirts of Hemel Hempstead.
4. A Green Belt surrounding Kings Langley was originally designated in the First Review of the Hertfordshire County Development Plan as approved in 1971 and the site was included as part of a Green Belt wedge, alongside the canal, which extended into the built-up area of the village. As you pointed out, the council approved new industrial buildings adjacent to the site in 1964 and an extension to the existing Abbots No 2 factory in 1971 on this wedge creating what they admit to be anomalies in the Green Belt. In 1983 the boundaries of the Belt were amended following adoption of the Three Rivers District Plan as part of a study of the Gade Valley North Planning Policy Area. The wedge was deleted and a new Green Belt boundary drawn along the perimeter of, and including, the appeal site.
5. You consider that the new boundary should have excluded the site by following the southern bank of the lake and thence following the canal. I appreciate that your suggested boundary would, as you say, have the advantage of following clearly identified physical features, as advised to be used in Circular 50/57 "Green Belts". However I agree with the council that the adopted boundary which runs along the road frontage of the appeal site and down the side of the adjoining haulier's yard can also be readily identified and I find no need to amend it on grounds of clarity.

may view the council's amendment to delete the wedge from the Green Belt relieved the proper rounding-off of the more built-up part of the village of which the site does not form a part.

6. Having walked over the site and from the the aerial photographs you submitted I regard the character of this site as essentially rural albeit that the brick wall obscures views of it from the road. Its development would in my view represent an extension of the built-up area of Kings Langley, a prospect opposed by local residents and I cannot agree that it would have little visual impact, particularly seen from the Lakeside which is valued locally as a rural and sporting amenity. Moreover, the strip of Green Belt between Kings Langley and Hemel Hempstead which serves to prevent the coalescence of these settlements is narrow and vulnerable to encroachment and I therefore regard it as important that urban fringe sites here, such as the appeal site, should be vigilantly protected from development.

7. I therefore conclude that the site has been correctly included within the Green Belt and that its development would be harmful to the rural character of this Belt and its function in separating 2 closely-spaced settlements. As you are doubtless aware the policies of the District Plan and the County Structure Plan impose a strong presumption against new development in the Green Belt and in the circumstances I find strong arguments against the proposals which will only be overridden if very special mitigating circumstances exist.

8. In regard to these circumstances I consider the 2 proposals separately, starting with the industrial scheme upon which your case concentrated. While the application did not indicate a particular occupier you announced at the inquiry that Abbots (Kings Langley) Ltd had contracted to acquire the site for their use subject to the grant of planning permission.

9. This printing company which specialises in consumable business stationery originated in Kings Langley in the 20s and in its heyday had grown to occupy the former No 1 works of about 48,000 sq ft, the appeal site opposite which was used mainly for ancillary parking and the No 2 works of about 30,000 sq ft, a short distance to the south. Although expansion onto the appeal site was contemplated in 1966 (a matter to which I shall return) the company's fortunes subsequently declined swiftly owing to what its new Financial Director described as a failure to install new machinery and processes and to update the product range. In 1986 the No 1 works and appeal site were disposed of and the company now uses only the No 2 works to which a new rear office block has been added. This works which I saw is very dated and I appreciate the company's view that it is too large for their requirements and unsuitable for the installation of necessary modern equipment. I accept that there is a genuine need for the company to find new single storey "high technology" premises with advanced facilities and image to help ensure its survival.

10. However I am unconvinced that the company's requirements can be met only on the appeal site. I appreciate that redevelopment of the No 2 works site may not be practicable but evidence was given that a move to a new site within a range of 2-3 miles could be undertaken although the closeness of the appeal site made it preferable. The council pointed out that within this range there is land available on industrially allocated sites (although they did not identify particular sites, not having prior notice that this evidence would be called upon), large areas of new industrial development such as at the southern end of Kings Langley which I saw and unimplemented planning consents for industry. The company does not appear to have investigated alternative sites or premises, a matter over which the council offered future assistance, and in my view it is likely that a suitable new location could be found without breaching the Green Belt.

11. I come to the proposed industrial development of the appeal site granted on appeal in 1966. This was not carried out and the consent has now lapsed but you regard it as a precedent for the present scheme and claim that relevant circumstances are substantially unchanged. In 1966 Abbots foresaw expansion and the consented building of 4,800 sq ft for them was regarded as the first phase of a facility eventually reaching 36,000 sq ft. The Secretary of State's appeal decision saw the proposal as an integral part of Abbots No 1 factory although the sites are separated by a major road and in my reading of the decision letter took this circumstance as a major justification for the release of Green Belt land. In my view this circumstance does not apply today. The present scheme is clearly intended for relocation of the company, not integral expansion and unlike the latter which relies upon adjacent land, it could take place, as I found above, on suitable sites elsewhere. I also find substantial differences in principle between the earlier circumstances of the company in needing room for expansion and the present requirement of a smaller site for retrenchment following disposal of previously used land outside the Green Belt. I do not regard the earlier ancillary use of the site in connection with the No 1 factory as strong supporting grounds for the proposal as this factory has been demolished in preparation for residential redevelopment.

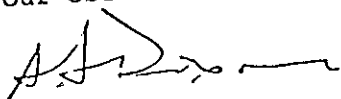
12. You refer to new government policy since 1966 to encourage industrial development especially high technology industries and small businesses in support of the proposal. However, as specifically mentioned in Circular 2/86 "Development by Small Businesses" this policy does not override the government's commitment to the protection of the Green Belts. Also, while the Structure Plan Review 1986, which you drew to my attention, newly emphasises the accommodation of industry and creation of jobs it does not condone encroachment onto open countryside, of which I regard the appeal site as forming a part. Moreover, the policy of the District Plan to direct new industry to allocated sites remains defensible in my view despite the increased unemployment rates to which you refer in view of the adequacy of supply locally of industrial land and premises. I therefore find no strong reasons on grounds of planning policy to support the industrial scheme.

13. Turning to the proposed housing scheme, you agree with the council that there is a 5-year supply of housing land in the District but you do not raise any strong mitigating circumstances in support of the scheme based on need or other reasons. I regard this proposal as an unwarranted extension of the village and an unjustified breach of the Green Belt and for these reasons I find strong planning objections to it.

14. My conclusion in relation to both proposals is that the site is properly included within the Green Belt and that the circumstances of the cases are not such as to justify an exception to the presumption against new development there. The council were correct in refusing planning permission in this instance. I have had regard to all other matters raised in the representations but they do not outweigh the considerations set out in this letter upon which my decision is based.

15. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

I am Sir
Your obedient Servant



A J DIXON BA MSc(Eng) MRTPI MCIT
Inspector