



The Planning Inspectorate

D/85X/KJE/P

An Executive Agency of the Department of the Environment and the Welsh Office

Room 140	Ref.	Direct Line	0272-218927
Tollgate House	TOPH	Switchboard	0272-218811
Houlton Street		Fax No	0272-218769
Bristol BS2 9DJ		GTN	1374

Received 8 DEC 1992

Comments

G J Gaywood Esq
Trout Lake Bungalow
Home Park
KINGS LANGLEY
WD4 8DU

Your Ref:
GJG
Our Ref:
T/APP/C/92/A1910/622357/P6
Council Ref:
4/1004/92/EN & 4/1005/92/EN
Date:

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
LAND AT TROUT LAKE, SUNDERLANDS MEADOW, OFF CHURCH LANE, KINGS
LANGLEY, HERTFORDSHIRE

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against an enforcement notice issued by Dacorum Borough Council concerning the above land. I have considered the written representations made by you and the Council and I inspected the site on 9 November 1992.

THE NOTICE

2. a. The notice is dated 25 June 1992.
- b. The breach of planning control as alleged in the notice is change of use of part of the land to use for the storage of plant, portable buildings, skips, motor vehicles and rubbish.
- c. The requirements of the notice are:
 - i. Removal of plant, portable buildings, skips, vehicles and miscellaneous materials from the land.
 - ii. Stop using the land for the storage of plant, portable buildings, skips, vehicles and miscellaneous materials from the land.
- d. The period for compliance with these requirements is 6 months.

GROUNDS OF APPEAL

3. Your appeal is proceeding on grounds (a) and (f) of Section 174(2) of the 1990 Act as amended by the Planning and Compensation Act 1991, that is to say that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted (ground (a)) and that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach (ground (f)).

THE APPEAL SITE

4. The appeal site of about 1 ha lies to the west of the Home Park Industrial Park. Access is via Home Park Mill Road. To the west is a recreation ground, to the north a commercial trout lake (which I understand is in your ownership), to the east is the Grand Union Canal. There is grassed bunding to the south and west boundaries of the appeal site. When I visited the site it was vacant except for a green portable building with the words "Kings Langley Youth Football Club" written on the side and 2 small pieces of plant. The appeal site is within the Green Belt.

5. Outline planning permission subject to conditions was granted in 1978 for squash courts, changing facilities, lounge bar, terracing and separate works store (4/0703/78), followed by a further conditional permission in connection with the leisure area (4/1194/78). Subsequent applications for sports and leisure centre parking, for sports and leisure centre, for residential development and hotel development have all been refused by the local planning authority.

6. The planning permission granted on 16 June 1977 for the Trout Lake at Sunderlands Meadow (4/0653/77) was subject among other things to a condition requiring car parking and access facilities to the north of the appeal site. These are shown on Plan 4/0653/77. They do not relate to the land which is the subject of this appeal.

APPEAL ON GROUND (a)

7. From my view of the site and its surroundings and having read the representations, I consider that the main issue in this case is whether there are special circumstances which would warrant these uses in the Green Belt or whether they would materially detract from the character and appearance of the area.

8. It is not made clear in the enforcement notice but I understand from your representations that there were 3 portable buildings or portacabins on the appeal site. The most important, you say, is the one which is still on site

which was donated by you for the Kings Langley Youth Football Club. The club play football in the local league on land without any facilities adjacent to your site. Previously, the players changed into kit in the local school and walked to the pitch. The portacabin cannot be sited on the football pitch site because of vandalism. A second portacabin was also on the site for storing equipment and providing shelter for the local Civil Aid who meet weekly to train and instruct in first aid. The third portacabin was for storing equipment used in the annual Mencap Charity Fund Run.

9. On the parking, lorries owned by you which are part of your military collection were kept at the site. You say that you encourage people to park on your property because there are double yellow line restrictions all around the site and large fishing parties arrive on most weekends to fish the canal without anywhere to park. In addition, you state that tarmac planings (obtained from contractors locally planing the roads) were kept at the site because it is ideal for reinstating the adjacent lake which suffers badly from erosion.

10. Although you say that this site is bounded by a large factory complex and cannot be described as normal Green Belt, I take the view, in this position bounded by the recreation ground, fishing lake and canal yet so close to built development, that this a particularly fragile part of the open Green Belt which should be protected, in accordance with well established Green Belt policies both national and local.

11. There are uses which may be acceptable in the Green Belt, of which leisure is one. It is arguable that all 3 portacabins are leisure-related although the use of the land for the storage of a portacabin to be used by Civil Aid does not appear to me properly to constitute leisure use. Nor do I think that an area of open land in the Green Belt (albeit that it is effectively hardsurfaced) is appropriate as a site for the storage of equipment for an annual event. In any event, a leisure use does not of itself necessarily warrant the introduction of portable buildings onto an open site in the Green Belt. However, the use of the land for a portacabin used by the under-11 football club I do find acceptable, having regard to the link with and proximity of the appeal site to the recreation ground as well as the problems of vandalism there. Although the local planning authority would prefer the portacabin to be sited nearer to the recreation field, in a less obtrusive position, they are not specific about the location. The bunding on both the south and west sides of the appeal site help to conceal the portacabin from view. Taking this and the position of the access into account, I do not propose to require this portacabin to be moved to another position on the site.

12. Turning to the other uses referred to in the enforcement notice, it does not appear to me that there is any good reason for skips, plant or rubbish to be kept on the appeal site. The planings which are required are for use on the land to the north. As to the parking, I do not consider that there are

any special circumstances to warrant the parking of your personal military vehicle collection here in the Green Belt. You have produced photographs suggesting that there is a need for parking in the vicinity for parties fishing the canal. The local planning authority do not comment on this need. I do not know what other parking provision there may be in the area. Your site is large and I would not expect there to be such a great demand for parking related to the fishing. It appears to me that, especially having regard to the position of the nearby industrial park, it would be difficult to enforce a condition limiting the parking to leisure activities such as the fishing. In these circumstances, I have concluded that none of the uses which are the subject of the enforcement notice are acceptable in this part of the Green Belt, save for the portacabin used for the Kings Langley Youth Football Club, because they would be materially detrimental to the character and appearance of this fragile part of the Green Belt.

13. Since the remaining portacabin is on open land in the Green Belt and circumstances relating to its use (by a sports team playing on the adjoining land) could change in the future, I propose to impose a condition limiting its use to a period of 5 years. This will enable the local planning authority to review the need for the portacabin in the future. The appeal on ground (a) fails therefore except to the extent I have indicated.

14. I have considered all the other points raised, including the absence of complaints notwithstanding your use of the land for 11 years. I have found nothing which alters my conclusion on the main issue.

APPEAL ON GROUND (f)

15. The first step in the notice requires the removal of all plant, portable buildings, skips, vehicles and miscellaneous materials from the land. At the time of my visit only the Kings Langley Youth Football Club portacabin remained on site together with 2 small pieces of plant. I have indicated above that I consider that the uses outlined in the notice are materially detrimental to the character and appearance of the area and I do not consider that the requirement to remove them and to stop using the land in this way is excessive. The appeal on ground (f) fails. However, I shall delete the words 'from the land' from the second step as they appear to me to have been included in error.

FORMAL DECISION

16. For the above reasons, and in exercise of the powers transferred to me, I hereby vary the notice in paragraph 5 step (ii) by the deletion of the words 'from the land'.

Subject thereto, I hereby allow your appeal insofar as it relates to the storage of one portable building and grant planning permission on the application deemed to have been

made under Section 177(5) of the 1990 Act for part of the development already carried out, namely for use for storage of one portable building for use for storage of football kit at land at Trout Lake, Sunderlands Meadow, off Church Lane, Kings Langley, Hertfordshire, subject to the following condition:-

The use hereby permitted shall be discontinued and the portacabin removed no later than 5 years from the date of this letter.

I hereby dismiss your appeal insofar as it relates to change of use of part of the land to use for the storage of plant, portable buildings, skips, motor vehicles and rubbish, uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act.

RIGHT OF APPEAL AGAINST DECISION

17. This letter is issued as the determination of the appeal before me. Particulars of the right of appeal against the decision to the High Court are enclosed for those concerned.

18. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Sir
Your obedient Servant

Caroline Briggs

CAROLINE BRIGGS BA(Hons) FRTPI Barrister
Inspector

ENC