



**Department of the Environment and
Department of Transport**

Common Services

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**CHIEF EXECUTIVE
OFFICER**

3 AUG 1987

File No.

Refer to *203/8*

Checked

Messrs Stocks Brothers (Buildings) Limited
5 Ninelands Lane
Garforth
LEEDS
LS25 1NT

Your reference

GMD.MH.86110

Our reference

T/APP/A1910/A/87/65631/P4

Ref. Date		Ack.	
C.P.O.	D.P.	31 JUL 87	Admin. File

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR ROY CHAPMAN
APPLICATION NO: 4/1029/86

Received

- 3 AUG 1987

- 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 Borough Council to refuse outline planning permission for demolition of the existing garage and the construction of 4 detached houses and new access road at London Road, Cow Roast, Near Tring. I have considered the written representations made by you, the Council, Northchurch and Wigginton Parish Councils and English Heritage. I inspected the site on 16 June 1987. Whilst the application was for outline permission a layout drawing was sent to the Council.
- From my inspection of the site and surroundings and consideration of the representations made it seems to me that the main issue to be determined is whether or not the proposal would be acceptable in an area where Green Belt policies are applied.
- The appeal site is a commercial garage within a large curtilage used for the sale of vehicles. The site is on the north-east side of the London Road (A41) opposite the Cow Roast Inn. To the north-west of the inn is a short ribbon of development. To the rear of the appeal site is the Grand Union Canal with a lock, several cottages and a marina. The A41 has double white hazard lines to the bends in front of the appeal site. The area is rural in character.
- The appeal site is within the Metropolitan Green Belt and The Chiltern Area of Outstanding Natural Beauty. The Structure Plan policies applicable in such areas are a presumption against development, with certain exceptions, and the preservation of the beauty of the landscape.
- I note that part of the appeal site is within a scheduled ancient monument, the site of a substantial Roman settlement. The Local Plan seeks to resist development on sites of archaeological importance.
- You argue that the proposal would have a more pleasant appearance and generate less traffic than the present commercial use of the site. In your view the need for the present garage is past as the area is now well served by other garages.
- Cow Roast consists of about a dozen houses and an inn on the other side of the A41 to the appeal site. There is a garage, a marina and a small number of cottages scattered in the vicinity on the northern side of the A41. It seems to me therefore that the proposal cannot be justified as being infilling on a substantially built-up frontage, but rather regarded as a development in the countryside unrelated to any village. I accept that visually the proposal may well be preferable to the

present buildings and car sales area, however the proposal would create a larger number and concentration of buildings which in my opinion would be more intrusive in the area.

8. The Government has reaffirmed its commitment to protecting the Green Belts from development unrelated to the essential needs of agriculture or forestry. This nationally important policy is reinforced in this instance by the designation as an Area of Outstanding Natural Beauty where the protection of the landscape is a prime consideration. The proposal is not required for agriculture or any other exception that would justify the granting of permission in the Green Belt. I have come to the conclusion therefore that the mass of building in an isolated position in the open countryside would conflict with the development control policies operating in the area. The general presumption against development in the Green Belt in my opinion outweighs your argument that the proposal would enhance the appearance of the area.

9. I have taken into account all the matters raised in the representations but do not find them of such strength as to affect my decision.

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

I am Gentlemen
Your obedient Servant


T R W ROBERTS RIBA DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr Roy Chapman
Ashley Green Road
Ashley Green
Chesham
Bucks

Glasspool & Thaiss
Caughtrey House
112-116 Broad Street
Chesham

Four dwellings (Outline)

at Land at Cow Roast, Near Tring

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 17 July 1986 and received with sufficient particulars on 18 July 1986 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 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 Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policies of the local planning authority seek to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the design, siting and external appearance of buildings. The proposed development is unacceptable in the terms of these policies.

Dated 4 day of September 1986

could.

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.

4/1029/86

To: Mr Roy Chapman

Reasons for Refusal (Cont'd..)

- (3) The erection of dwellings on this site would constitute an isolated and unsatisfactory form of development adversely affecting the character of the surrounding rural area.

Dated 4th day of September 1986



Signed

Designation CHIEF PLANNING OFFICER