

02/39/02/5



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25.09.1983

Mr A King BA BSC MRTP
Railways
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Herts

28 SEP 1983

Yours faithfully

Our reference

PA/17/330/7/83/12/1

Date

27 SEP 1983

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY MR B V SMITH

APPLICATION NO:- 4/1055/82

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Saccor District Council to refuse outline planning permission for 2 dwellings, on land adjoining Castle Hill Court, Castle Hill, Berkhamsted. I have considered the written representations made by you and by the Council and also those made by an interested person. I inspected the site on Monday 11 July 1983, but have considered the representations made after that date.

2. I note that the appeal site is shown within a residential area in 'Hertfordshire 1981' but the draft District Plan shows the site as lying within the extension to the Metropolitan Green Belt. I note too that the proposed Green Belt boundary follows closely the boundary of the residential area shown on the earlier South Hertfordshire Town Map. In preparing the draft District Plan the Council have drawn the Green Belt boundary tightly around Berkhamsted and the attractive area of buildings and land to the west and north-west of your client's site has been included in the Green Belt. The Green Belt boundary has been delineated to separate this area from Berkhamsted to the south and the draft plan has been subject to public comment. I see no reason to question the boundary of the Green Belt shown on the draft plan pending its final adoption by the Council. Policy 1 of the draft District Plan restricts development within the Green Belt to that required for agriculture or other special local needs. No case has been advanced that the proposed dwellings would be required for agriculture or to meet other special local needs. In these circumstances and from my inspection of the appeal site and its surroundings and the representations made I take the view that the main issue in this case is whether or not the proposed development can be regarded as an acceptable one having regard to its effects on the character and appearance of the adjoining area and bearing in mind the Green Belt policies of the draft District Plan.

3. The proposed development would replace the existing large modern dwelling Cyan House, which has to be demolished, and you contend that it is unduly harsh, in a residential suburban setting, to regard the development as unacceptable in terms of Policy 6 of the draft District Plan. However, although I noted that the appeal site has dwellings on both sides of it and on the opposite side of the road and although no doubt it could be arranged that the 2 replacement dwellings would have a combined floorspace smaller than that of Cyan House I am not persuaded that 2 dwellings on this site with their associated domestic impediments, would be less obtrusive in the landscape than the existing house. Moreover I take the view that

...the site is of adequate size to accommodate dwellings and that the development would make better use of the land than one large replacement house, but in my opinion these considerations do not outweigh those leading to my decision that permission should be refused.

5. You point out that the appeal site lies right on the Green Belt boundary. You contend that if the site had been excluded from the Green Belt there would have been no effect on the appeal proposal. You contend also that the Green Belt boundary is an arbitrary line drawn, possibly on the basis of an out of date plan, and that the proposed development would not have any material planning significance and you are unable to see how the development proposed would impair the general aims of Green Belt policy in this area, or the intent, inter alia, of a previous Inspector's conclusions.

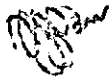
6. Although I share your client's concern on these matters I am unable to accept that there is any adequate justification for approval of the appeal scheme. As I have said I have no reason to question the Green Belt boundary shown hereabouts on the draft District Plan. Understandably some owners of land whose property lies on the edge of the Green Belt and just within it may be aggrieved that their land lies at the edge of the boundary, but I believe that if the Green Belt is to be protected then the policies for it must be applied over the whole defined area, unless there are very special circumstances to justify some relaxation in a particular case. In this case the appeal site and development to the west and north-west of it occupies a prominent and elevated position overlooking open Green Belt land. In my opinion there is potential for the development of further dwellings in the area nearby to the west and north-west and I take the view that if permission were granted in the case of the appeal proposal it would be difficult for the Council, in all fairness, to reject proposals for further development there. Such developments would be contrary to the general policy to restrict development within the Green Belt, and given my conclusions in paragraph 3 above I am unable to accept that the appeal proposal would not be detrimental to the appearance of the adjoining area and of the Green Belt itself. I have noted your remarks about the track serving the appeal site but it seems to me that even when surfaced it will form a far from ideal access to the appeal site and to the other land it serves. In my opinion your argument that the development proposed would not significantly impair the general aims of Green Belt policy could be applied to many of the less attractive and less favourably placed parts of the Green Belt, and, if such an approach were implemented, could result in a substantial erosion of the Green Belt and of its purposes. It seems to me that there have been material changes in the planning circumstances affecting the appeal site since the appeal decision was made following the 1966 planning application. For example the aims and proposals of the draft District Plan, which is nearing completion, are now a consideration to be taken into account in determining the present appeal.

6. I have concluded that in relation to the Green Belt policies of the draft District Plan and having regard to its likely effects on the character and appearance of the surrounding area, your client's scheme is unacceptable.

7. I have examined all the other matters raised, including your contentions that the appeal site is of adequate size to accommodate dwellings and that the development would make better use of the land than one large replacement house, but in my opinion these considerations do not outweigh those leading to my decision that permission should be refused.

9. For the above reasons and in exercise of the power conferred on me, I hereby
dismiss this appeal.

I am Sir
Your obedient Servant



A J J STREET BA D-PTP MRTPI
Inspector