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Mr D Clarke 47 Gravel Lane Boxmoor HEMEL HEMPSTEAD Herts HP1 1SA		PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						GTN 1374	
		Ref.			Ack.			Your reference	
		C.P.O.	T.C.P.M.	O.P.	D.C.	B.C.	Admin.	File	88137
		Received 13 JUN 1990 Comments							Our reference T/APP/A1910/A/89/140512/P4 Date 12 JUN 90

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY L BAKER ESQ
 APPLICATION NO: 4/1082/89

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a semi-detached dwelling and garage at Southside, The Green, Potten End. I have considered the written representations made by you and by the Council. I have also considered those representations made directly by Nettleden with Potten End Parish Council and local residents to the Council which have been forwarded to me. I inspected the site on 9 April 1990.
- From my inspection of the site and surroundings and examination of the representations I consider the main issue in this appeal is whether there are very special circumstances that outweigh the presumption against inappropriate development in the Green Belt.
- The appeal site is within the village of Potten End, which is within the Metropolitan Green Belt. The proposed development does not fall, however, within one of the categories explicitly referred to in Paragraph 13 of Planning Policy Guidance No 2 ('Green Belts') as being appropriate in the Green Belt. The adopted Dacorum District Plan allows for small-scale residential development within the main core of specified villages, which includes Potten End, provided in relation to this case, the site represents a small gap in an otherwise built-up frontage and the development does not detract from the character of the village (Policy 5), and that it is for essential uses appropriate to the rural area (Policy 4). The latter includes the housing needs of agriculture, forestry, leisure and local services.
- There is no dispute between the parties that the appeal site is within the main village core and you submit that the proposed dwelling would be part of a continuous line of houses. The appeal site lies to the south of The Green. It is a detached property with a wide frontage of about 65 m and a large garden. The adjoining properties to east and west are also on sizeable plots. I saw on my site visit that these properties are set back from the highway and there is an intervening area that is partly grassed and partly trees and shrubs, that are complemented by a number of mature trees within gardens. This part of the village forms, to my mind, an attractive backdrop to The Green.
- The houses to the east of the Red Lion Public House directly front Hempstead Lane, and are on significantly narrower plots with, in the main, only a short space

between the buildings. In these circumstances I accept the Council's submission that the proposal does not comply with the criterion in Policy 5 being the extension of an isolated group of houses. Furthermore, the new house would be a substantial 2-storey building that would be prominent when viewed from The Green and would have a small but nevertheless significant harmful effect on the open character of this part of the village.

6. You also submit that there are special circumstances arising from the personal needs of your client. I can appreciate that there would be significant benefits to your client but, in my opinion, this is not the type of need that is envisaged in Policy 4. The proposed development would not, therefore, comply with this policy. Nor do I consider that, in this case, personal need amounts to very special circumstances sufficient to outweigh the strong presumption against inappropriate development in the Green Belt.

7. The proposed house would lead to a matched pair of houses. The existing building has a mixture of gables and hipped roofs but is not, in my opinion, so unbalanced that the proposals would make a substantial improvement to its appearance.

8. My conclusion on this issue is that the proposed development would conflict with local policies and in so doing undermine the objectives of Green Belt policy. As there are no very special circumstances in this case the appeal fails.

9. In coming to this conclusion I have taken into account that extensions have been made to other houses in Potten End. From what I saw on my visit I do not consider that they are directly comparable with the building your client proposes and this consideration does not outweigh the material harm that I have identified.

10. The Council also contends that the development would harm 2 cedar trees. You point out that the tree that would have been most directly affected has been blown over and subsequently removed. In my opinion, serious harm to the remaining tree from the widened access could probably be avoided and this is not sufficient grounds, therefore, to dismiss this appeal.

11. I have also considered all the other matters raised in the representations but they do not alter my conclusions on the main planning issue.

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

I am Sir
Your obedient Servant

S.A.T. Holder

S A T HOLDER BA MSc MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr L Baker
"Southside"
The Green
Potten End
Herts

Mr D Clarke
47 Gravel Lane
Hemel Hempstead
Herts

..... Two storey, side extension and alterations to roof to
..... form semi-detached dwelling and erection of two
at detached garages.....
at "Southside", The Green, Potten End.....

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
..... 21 June 1989 and received with sufficient particulars on
..... 22 June 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 proposal is not supported by evidence of local need sufficient to satisfy Policies 4 and 5 of the adopted Dacorum District Plan.
3. The proposal would adversely affect two mature cedar trees which presently form an important amenity feature on the site adding significantly to the rural character of the area.

Dated 7th day of September 1989

Signed *Wm Bama*

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.