



**Department of the Environment and
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CHIEF EXECUTIVE

OFFICE 3/12/84

11 JUN 1984

File Ref.

Refer to ...

Cleared RETURN TO MR

FOR COMMITTEE

Messrs Fuller Hall and Foulsham
(Hemel Hempstead)
Architects, Surveyors and Town
Planning Consultants
53 Marlowes
HEMEL HEMPSTEAD HP1 1LL

Your reference		Ref. PRS/AJK/3092	
Our reference		Ack. T/APP/A1910/A/84/10788/P2	
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Date			
Received 8 JUN 1984		11 JUN 1984	
Comments			

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR S FRASER-BECK
APPLICATION NO: 4/1087/83

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for the change of use of stable/garage to dwelling on land adjacent to Moo House, Little Gaddesden.
2. I note that the proposed change of use of this building to a dwelling was the subject of a previous application and appeal which was dismissed on 29 November 1982. You explain on behalf of your client that he considered that the Inspector who determined the previous appeal was not fully cognisant of the facts and your client accordingly reapplied to the Council and, as the basis of this appeal, against their second refusal of permission, has himself submitted a series of observations.
3. I have considered the written representations made by, and on behalf of, your client and by the council and also those made by the Little Gaddesden Parish Council and by other interested persons. I inspected the site on 14 May 1984.
4. From the representations that have been made and my inspection of the appeal site, the stable/garage building and the surroundings I conclude that a decision in this case turns on whether or not the proposed change of use would conflict with the established settlement policies and result in material harm to the character and appearance of the area.
5. The site of some 3 acres is on the northern fringe of Little Gaddesden where there is some sporadic residential development generally well established, of low density and extending along the Ringshall Road into the surrounding countryside. I note that the policies of the approved County Structure Plan and adopted Dacorum District Plan relating to the rural area beyond the Metropolitan Green Belt apply and there is thus a presumption against development for other than agriculture, forestry or special purposes appropriate to the rural area whether for the construction of new or the change of use or extension of existing buildings. The site is within the Chilterns Area of Outstanding Natural Beauty and the strict restraints of the settlement policies are given emphasis here by the special need to protect and enhance the character and nature of the rural environment.
6. In my opinion, notwithstanding that some loose-knit residential development exists at this edge of the village, your client's proposal cannot as you suggest

be regarded as allowable infilling as that term is properly defined. On the contrary it would add an extra dwelling to the sporadic development on the vulnerable village fringe which the restraint policies are concerned to protect and contain. I consider that the change to residential use, in the absence of any agricultural or special rural policy need for the proposed dwelling, would conflict with the terms of the settlement policies.

7. There is no dispute that the alterations would not affect the appearance of the building as seen from the road but its use as a residence would involve the usual domestic activities of its occupants. I am in no doubt that such activities, sooner or later, would result in material harm to the predominantly rural character and appearance of the site and surroundings.

8. I have paid particular regard to the detailed account that has been provided of the circumstances which have led to your client's decision that, as the appeal building is no longer required for the use for which it was built, it would usefully serve, without any addition to the building and only internal alterations and the provision of windows on the paddock side as a small, quiet convenient and single-storey home for himself and his incapacitated wife in their changed personal circumstances. While I appreciate that the proposed conversion would provide the type of dwelling which is now needed by the appellant and that it would not entail any additional building I regret that I am unable to accept that his specific present personal circumstances are sufficient to warrant a departure from the control policies especially as the dwelling would remain as a lasting addition to the residential development outside the main core of the village. I do not think it would be either reasonable or practical having regard to the likelihood of changed circumstances at some future date to attempt to control the future use or size of the converted building by means of a planning condition and I see no evidence of the authority's willingness to accept a Section 52 Agreement. The fact that the building already exists and is no longer needed for stabling and garaging and might therefore deteriorate or be adapted for some agricultural use as you fear is not sufficient reason in my view, for allowing further residential development to intrude inappropriately into the countryside. It could be repeated too often with cumulative harm to the policy itself and the predominantly open character of the rural areas.

9. I have taken into account all other matters mentioned in the written representations including your references to other decisions which you allege reflect some inconsistencies in decision taking by the District Council. I must point out of course that it is only the present appeal that falls to me to determine but on the limited information I have it does not seem to me that the other cases have such close relevance to the circumstances of this appeal as to affect my decision on its individual merits. Nor do I consider that any of the other matters mentioned is sufficient to outweigh the considerations which have led to my decision that the refusal of permission for this proposed conversion is justified and should be upheld.

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



E S FOSTER
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. Stuart Fraser-Beck
15 Little Gaddesden
Berkhamsted

Messrs. Fuller Hall & Foulsham
53 Marlowes
Hemel Hempstead

Change of use of stable/garage to dwelling

at... Land adjacent to Hoo House, Little Gaddesden

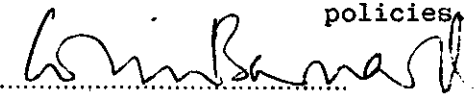
Brief
description
and location
of proposed
development.

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 18th August 1983 and received with sufficient particulars on 22nd August 1983 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 without notation on the County Development Plan and in an area referred to in the County Structure Plan (1979) and the deposited Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension 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 County Development Plan, deposited Dacorum District Plan and County Structure Plan (1979) show 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 Dated 13th day of October 1983 of these policies

Signed


Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is 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.
- (3) 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 District 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
- (4) 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 section 169 of the Town and Country Planning Act 1971