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**CHIEF EXECUTIVE
OFFICER**

12 APR 1988

This letter
Refer to CPO 12/4
Closed

P. J. Fountaine
27 Castle Street
Berkhamsted
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DEPARTMENT OF THE ENVIRONMENT DACORUM DISTRICT COUNCIL				
Your Ref:				
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C.P.O.	D.P.	D.C.	B.C.	Our Ref:
				Admin. File
				Date:
Received				12 APR 1988

1910/A/87/79957/P4

12 APR 88

Sir

Comments

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY SUNJOY LIMITED
APPLICATION No:- 4/1178/87

1. As you know 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 change of use from agricultural building to warehousing on land off Shootersway, Brickfield, Northchurch, Berkhamsted. I have considered the written representations made by you, by the council and by Northchurch Parish Council and I inspected the site on 29th February 1988.

3. The appeal site covers an area of about 0.56 Ha. lying atop a plateau approximately 1Km. south-west of the A41 main road which runs through the settlement of Northchurch. It occupies part of the site of a former brickworks currently being restored by landfill tipping operations now nearing completion, in an area of generally open countryside. The appeal building is a 5-bay, steel framed structure 48m long, 12m wide and 4.3m to the eaves with a pitched roof of corrugated metal. The rear and two ends of the building are enclosed in blockwork and the northernmost bay separated from the remainder by an internal blockwork partition. Opposite the open front of the building is a brick-built warehouse some 26m square with a double pitched roof, currently used for furniture storage. The area to the north of the warehouse and between the two buildings provides access, parking and manoeuvring space. Access to the appeal site is from Shootersway, a country road passing some 200m to the south, by means of a private hardcore and ash track.

4. The site is located within Metropolitan Green Belt and lies in the Chilterns Area of Outstanding Natural Beauty. Local planning policies relevant to the proposed development are contained in the approved Herts County Structure Plan Alterations No.1 (operative from Nov.1984), and the adopted Dacorum District Plan (operative from Jan.1984). These generally coincide with national policies in the aim of protecting the green belt from inappropriate development and preserving the countryside. In the light of these policies, the representations I have read, and my observations on site I consider that my decision turns on whether the proposed change of use at this location would be acceptable and whether the additional traffic generated would cause a threat to road safety on local highways.

5. The original statement of green belt national policy is set out in Circular 42/55, subsequently incorporated in the Annex to Circular 14/84. At Para.5 it states a general presumption against development, including changes of use, other than for certain specified purposes. More recently Circulars 22/80 (Para.13), 2/86 (Para.12), and 16/84 (Para.15), referring to development in rural areas, state that redundant rural buildings are often suitable for conversion to other uses, but qualified with the caveat that the advice in these Circulars should not

be taken as overriding the advice on Green Belts in Circular 14/84. However, this constraint was removed by Para.8 of Circular 16/87 which emphasises that the principles concerning the re-use of redundant rural buildings apply equally in Areas of Outstanding Natural Beauty and Green Belts. Moreover no distinction is made between different types of buildings. They do not have to be former agricultural buildings or buildings of historical or architectural merit, and consequently the former use history of the appeal building is not important.

6. This change in national policy has occurred since the two previous similar applications, including the one dismissed on appeal in 1980, and also since the approval of the Structure Plan Alterations No.1 and adoption of the local plan in 1984. In the light of these new circumstances I can now find no objection to your client's project on rural green belt policy grounds and believe that my determination of the appeal should be subject to normal planning considerations.

7. The appeal building is reasonably well screened from public view from both Shootersway, by a predominantly thorn hedge 2m to 3m high, and from the path to the west known as Pea Lane by a high, dense hedge including numerous trees. In each case there is intervening overgrown pasture land of some 220m in the case of Shootersway and 150m in the case of Pea Lane. The nearest house is on Larch Close about 700m distant to the south east beyond a belt of mature trees on land in your client's ownership. The plateau siting of the building gives little scope for long distance viewing except from the top of the other side of the valley to the north, from where the combination of long distance and the drab colour of the building would satisfactorily minimise its conspicuity. The proposed enclosure of the front of the building would not, in my opinion, increase its prominence in the landscape.

8. I note the council's contention that the appeal building could be dismantled and re-erected on a site more acceptable to them. However, the building has been in its present position since 1964, the economics of resiting are questionable, and I can see little prospect of it happening in the short or medium term. Moreover the removal of the appeal building would still leave the more visually prominent brick warehouse on the site with planning permission for continued storage use. The long distance to the nearest dwellings together with the attenuation provided by trees, hedges and other vegetation, would in my view reduce any noise arising from storage operations at the appeal building to a level which would not cause nuisance to local residents.

9. By its nature, the business of containerised furniture storage generates intermittent rather than continuous use of warehouse premises and similarly the associated traffic would be occasional rather than intensive. Access to the appeal site from the A41 main road through Northchurch is by way Darr's Lane and a short length of Shootersway. Darr's Lane is about 900m long, rising southwards from the A41 steadily at first with a carriageway width of some 6m and good visibility, but steepening further up where the carriageway width reduces in parts and visibility is impaired by bends. The 300m of Shootersway from the top of Darr's Lane westwards to the appeal site entrance has an unkerbed carriageway width of about 5m between grass verges and hedges and has no appreciable gradient. At the time of my site visit Shootersway was in continuous use by heavy tipping lorries transporting waste material to the landfill area next to the appeal site. In the circumstances, although the local roads in the immediate vicinity are not ideally suited to large vehicles, I consider that the modest increase in traffic likely to arise from the project would be unlikely to pose a threat to road safety.

10. In the light of my observations in the foregoing paragraphs I do not consider that the proposal would be at odds with the local environment in terms of its effect on the landscape, the rural character of the area, the amenity of nearby residents, or local traffic conditions. In the event of dismissal of the

appeal I believe the balance of probability to be that the appeal building would remain disused on the site serving no useful purpose. Allowing the appeal would permit a relatively innocuous use of the building, which would assist a local firm employing 12 people in line with the current national policy of encouragement for small businesses.

11. I have considered all other matters raised but found nothing to outweigh the conclusions which have led to my decision.

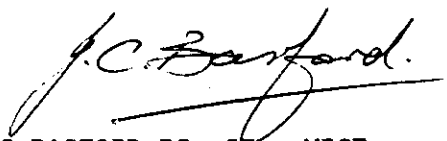
12. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use from agricultural building to warehouse on land off Shootersway, Brickfield, Northchurch, Berkhamsted, in accordance with the terms of the application (No.4/1178/87) dated 22 June 1987 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this permission.

13. The developer's attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

14. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir

Your obedient Servant

A handwritten signature in dark ink, appearing to read 'J. C. Basford', written over a horizontal line.

J C BASFORD BSc CEng MICE
Inspector