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**CHIEF EXECUTIVE  
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31 JUL 1987

File No. 20.31/5  
Date 30 JUL 87

Ellis and Hancock  
Solicitors  
60 Alexandra Road  
HEMEL HEMPSTEAD  
Hertfordshire  
HP2 4AQ

Your reference

JFH/Higgins

Our reference

T/APP/A1910/A/87/064430/P2

Date

30 JUL 87

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY JAMES FRANCIS HIGGINS ESQ  
APPLICATION NO:- 4/1181/86

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal against the decision of the Dacorum District Council to refuse planning permission for a single-storey rear extension at 40 Tower Hill, Chipperfield, Kings Langley. I have considered the written representations made by you and by the council and also those made by Chipperfield Parish Council. I inspected the site and its surroundings on 1 June 1987.

2. From my inspection and the representations before me I consider the main issue raised by this appeal is whether the proposal would be harmful to the objectives of the green belt having regard to the council's policies restricting development within it.

3. The approved Hertfordshire Structure Plan (Alterations No. 1) seeks to maintain a green belt in the south of the county, and development except within certain specified settlements will not generally be permitted unless there are very special circumstances or it is appropriate to a rural area. The appeal site lies within the Metropolitan Green Belt as defined by the adopted Dacorum District Plan. This plan contains a similar policy, but in addition seeks to restrict development in green belt rural settlements to the housing and employment needs of agriculture forestry, leisure and local services, or to local facilities and service needs of the individual settlements. Chipperfield is named as a village considered suitable for small scale residential development within its main core.

4. Tower Hill runs north-westwards from the main core of Chipperfield and it has a ribbon of development along both sides of it in the vicinity of the appeal site with open land behind this. The appeal premises comprise a 2-storey building within this on the south side of the road. The ground floor is presently being used as a temporary residence while improvements are carried out to the self-contained first floor flat. It is normally used for retail purposes, however, and it has a shop window facing the street. The proposal would provide an additional room at the rear for use in connection with the shop.

5. The council's reason for refusal refers to permission only being given for the construction of new buildings for uses appropriate to a rural area, and this reflects the advice contained in Department of the Environment Circular 42/55. This proposal would be an extension to an existing building, however, and the district plan is silent on these. The council appear, from references made by the parish council, to have guidelines for extensions to dwellings in the green belt, and you

point out that the dwelling next door has recently been substantially extended. This suggests to me that extensions to premises generally are not necessarily precluded provided they do not prejudice the aims of the green belt.

6. When the appellant acquired the appeal premises in 1985 they had a lean-to structure attached to the rear, and a separate oil store behind. Both of these have been removed, but at the time of my inspection the extent of the former store was marked out on the site together with the outline of the proposed extension. I accept your statement, in the light of my observations, that the proposal would not project further than the nearer wall of the former store to the rear of the building. I further accept your contention that it would not render the building any longer than the existing outbuildings of Nos 42 and 44 to the north.

7. The appeal site has a fence which is about 1.2 m high along its northern boundary behind the building. The western boundary of the field behind the site has a hedgerow some 2 m high separating it from open land beyond, and the southern boundary also has a 2 m high fence behind the building. The extension would be single-storey, and consequently it would not be easily seen from its surroundings, and it would have very little visual effect upon the green belt.

8. The appeal premises extend further back than No. 38 to the south. This dwelling's outlook would not be adversely affected by the proposal, in my view, nor would it be overshadowed. There are rooms in No. 42 which have windows facing the appeal premises, but they are sufficiently far from the proposed extension for it not to overshadow them to any material degree. The proposal would not harm the amenity of neighbours therefore.

9. The parish council have expressed concern that any extension of activity at No. 40 may cause traffic hazards because opportunities for car parking are limited. The road in front of the appeal site is only about 5 m wide so any vehicle parking along it would obstruct the normal 2-way flow of traffic. Whilst I understand this concern, therefore, the additional space provided by the proposal would be for staff facilities and it would be unlikely to result in a substantial increase in traffic attracted to the premises.

10. In the light of earlier applications for planning permission the parish council are also concerned that the additional space may lead to the introduction of other activities on to the site. Notwithstanding that they may be difficult to monitor only activities relating to the retail use are being sought and would be permitted if the appeal were allowed. I also note the comment relating to the amount of ancillary accommodation which would be available. The kitchen and bathroom exist already, and this may be due to the earlier conversion. The other 2 rooms which exist on the ground floor are the shop and store room. Whilst the kitchen and bathroom may provide generous facilities, therefore, there is nowhere at present for staff accommodation.

11. The parish council draw inferences from the series of applications which have related to the appeal premises in the recent past, and suggest that the appellant should have secured premises large enough for his operation or where extension would not be subject to restraint. The circumstances of businesses change and alter their needs. I consider that it would be unreasonable to expect small businesses to foresee all such eventualities and expect them to secure accommodation in anticipation of them. Department of the Environment Circulars 22/80 and 14/85 advise councils to encourage small businesses and enterprises provided it does not prejudice other planning aims.

12. There is a general presumption against inappropriate development within green belt which is detailed in the council's policies. Although the appeal site lies

outside the core of Chipperfield it is within an established and quite substantial development associated with it. The proposal would be, in my view, a modest extension to the existing building, notwithstanding the parish council's observations. It would be at the back, it would not be visually prominent, nor would it be likely to lead to increased general activity. I consider, therefore, that it would not be prejudicial to the aims of the green belt or the council's policies.

13. I have taken account of all other matters raised in the representations, but they do not outweigh the considerations leading to my decision.

14. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for a single-storey rear extension at 40 Tower Hill, Chipperfield, Kings Langley in accordance with the terms of the application (No. 4/1181/86) dated 18 August 1986 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 letter.

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

16. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen  
Your obedient Servant



I K TURNER LLB(Hons) DipArch RIBA FRSA ACI Arb  
Inspector

ENC

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To Mr. J. F. Higgins  
40 Tower Hill  
Chipperfield  
Herts

M. H. Seabrook  
4 Bradbery  
Maple Cross  
Rickmansworth  
Herts

Single storey rear extension

at 40 Tower Hill, Chipperfield, Herts.

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 18.8.86. and received with sufficient particulars on 20.8.86. and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:-

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.

Dated 27 day of November 1986..

Signed.....

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

#### 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.