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B/407/HB/P

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Received -7 OCT 1991

Comments
HP17 9QQ

Your reference

RWS/JLT/188

Our reference

T/APP/A1910/A/91/182848/P8

Date

3 OCT 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MRS M STAFFORD
APPLICATION NO:- 4/1182/90

1. 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 Borough Council to refuse outline planning permission for a detached house and garaging on land at Castle Gateway, Berkhamsted. I held a hearing into the appeal on 29 August 1991.
2. From my inspection of the site and its surroundings and from consideration of all the representations made, I consider there to be 2 main issues in this case. The first of these is whether the proposal would accord with the Green Belt policies which are generally designed to resist inappropriate development in such locations and if not whether there are very special circumstances in this case to justify an exception. The second issue is the effect of the proposed dwelling on the character and appearance of the area, with particular regard to the trees on the site.
3. On the first issue, the site lies within the Green Belt as defined by the approved Hertfordshire County Structure Plan 1986 Review and the adopted Dacorum District Plan. Both plans, together with Government advice as set out in Planning Policy Guidance Note 2 (PPG2), express a presumption against inappropriate development in the Green Belt; only certain kinds of development are considered appropriate and this does not normally include new dwellings. In this case you do not contend that the dwellings are required for any specific purpose but you argue that the characteristics of the site and the surrounding area, together with the planning history of the site, amount to special circumstances which warrant making an exception to Green Belt policies.
4. The boundary of the Green Belt runs along the eastern side of the site. Castle Gateway, the recent residential development immediately east of the site, lies outside the Green Belt and in my opinion forms a very clear edge to the built up area. The fact that the head of Castle Gateway has development on one side only does not lead me to the conclusion that the appeal site, which is on the other side of the road, naturally relates to the built up area. It is an undeveloped site with a number of trees and in visual terms it appears to me to relate more closely to the woodland which adjoins it on 2 sides. I consider that it lies beyond the edge of the built up area. In consequence the development would, in my opinion, conflict with one of the stated purposes of the Green Belt as set out in PPG2, which is to safeguard the surrounding countryside from further encroachment.



RECYCLED PAPER

5. I note your views on the present boundary of the Green Belt and your current objection to the emerging Dacorum Borough Local Plan which, as it currently stands, also includes the site within the Green Belt. The future line of the boundary is, of course, a matter to be decided as part of the local plan process rather than in connection with this appeal. During my site inspection I visited the areas of development in the vicinity including the low density housing near Castle Hill Farm, but I do not consider that the shape of the boundary in this area or the location of the Castle Hill Farm development in the Green Belt provide any justification for the development of the appeal site, which I consider to be effectively part of the woodland fringe and entirely unrelated in character to the nearby areas of housing.

6. Although planning permissions were granted in 1970 for houses on the appeal site, and in 1974 for a road layout to serve development, these have lapsed. Circumstances have changed considerably since then with the approval of the Structure Plan and the adoption of the Dacorum District Plan, and in my view those permissions do not now carry any weight.

7. Taking all the above into account, I consider that there are no special circumstances to justify making an exception to Green Belt policies in this instance.

8. On the second issue, I have no doubt that a house could be accommodated on the appeal site (although not in the positions shown on your illustrative drawings) without immediately having to fell any of the trees which are the subject of a tree preservation order. However, the growth potential of the trees appears considerable and in my view they would be likely to have an effect on daylight and sunlight reaching the house and would inhibit the use of the garden. I consider it very likely that there would be difficulties in the future in reconciling the requirements of the residents with the growth of the trees. This in my opinion could lead to pressure to thin or remove the trees. In addition, the presence of a dwelling on the site could in my opinion be likely to change its appearance from that of a woodland fringe to a suburban garden to the detriment of the character of the area. These considerations in my view lend further weight to the objections to your client's scheme.

9. I have considered all the other matters raised in the written representations and at the hearing but do not find them to be of such weight as to alter the balance of my conclusions.

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

Jonathan Bore

JONATHAN L BORE BA Dip UD MRTPI
Inspector



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref. No. 4/1182/90

Mrs M C Stafford
143 Grenfell Road
Maidenhead
Berks

DEVELOPMENT ADDRESS AND DESCRIPTION

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Land at Castle Gateway, Berkhamsted, Herts

DETACHED HOUSE AND GARAGE (OUTLINE)

Your application for *outline planning permission* dated 16.08.1990 and received on 17.08.1990 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning.

Date of Decision: 08.11.1990

(encs. Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/1182/90

Date of Decision: 08.11.1990



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 proposed development would involve the removal of a number of trees in this largely wooded area, which is the subject of a Tree Preservation Order. The loss of trees in this area, which acts as a natural boundary to the build-up area of Berkhamsted, and the introduction of a dwelling to the site, will detract from the wooded and undeveloped character of this area and consequently will be detrimental and damaging to its appearance.
3. The development of the site for a dwelling is likely to lead to pressure to remove trees particularly to its direct south, thus further eroding the pleasant wooded character of the site, to the detriment of the appearance of the area.