



Planning Inspectorate

Department of the Environment

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GTN 1374

File on 4/1188/88

Messrs Rimmers
Hughenden House
Kingsbury
Aylesbury
HP20 2JQ

DEPARTMENT OF THE ENVIRONMENT					
PLANNING COUNCIL					
Ack.					
DP	DO	BO	Admin.	File	
2 JAN 1990					

Your reference

PGS

Our reference

T/APP/A1910/A/89/120063/P8

Date

28 DEC 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY CRAIGHILL DEVELOPMENTS LTD
APPLICATION NO: 4/1191/88

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for a closely grouped, low density layout of 9 No. dwellings consisting of 5 No. two storey houses and 4 No self contained flats and parking for 15 cars, land to the rear of "Wolds Cottage", Station Road, Near Tring Station, Herts. I have considered the representations made by you and by the Council and also those made by the Parish Council and interested persons. I have also considered those representations made directly by other interested persons to the Council and forwarded to me. I inspected the site on 25 September 1989.

2. Paragraph 13 of Planning Policy Guidance Note No. 2 advises that inside a Green Belt, approval should not be given, except in very special circumstances, for new development for purposes other than agriculture or forestry, outdoor sport, cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area. Those uses that both the Dacorum District Plan, and the Approved 1986 Revision of the Hertfordshire County Structure Plan regard as being acceptable in the Green Belt outside the confines of towns and villages, accord with the uses noted in the Planning Policy Guidance Note. You have made no claim of agricultural or similar need for the proposed dwellings. I have therefore concluded that the proposed development does not fall into any of those categories of use which are set down in these policy documents as being acceptable within the Green Belt.

3. From my inspection of the site and its surroundings and from the written representation, I have come to the conclusion that the decision in this case turns upon first, whether very special circumstances exist which justify the setting aside of the general presumption against residential development in the Green Belt, and if not, second, whether or not the proposed development would harm the character of the Green Belt in contravention of those national and local policies which seek to restrict development within it.

4. On the first issue, Tring Station is not included in that list of settlements in Policy 5 of the Dacorum District Plan where small scale residential developments are permitted. Policy 51 of the Structure Plan indicates that development in small hamlets, similar to that of Tring Station, is not normally permitted unless there are special circumstances. The only special circumstance you advance is that the proposed development would lie within the development boundaries of the hamlet if these had been drawn. Planning



Policy Guidance Note No. 2 indicates that one of the objectives of the Green Belt is to prevent development encroaching into open countryside. I consider that if any development is permitted in a small hamlet, it will either expand or coalesce, or both. In my opinion, such expansion and coalescence in the context of a very small settlement, inevitably results in encroachment of development into the countryside, as such hamlets are generally too loosely knit, or too small, to accommodate any expansion without such encroachment. Such would be the case with Tring Station. I have therefore concluded that it is appropriate that development lines have not been established for Tring Station. Hence the proposed development could not be included within any development boundaries for it, and I therefore consider that no very special circumstances exist which justify the setting aside of the general presumption against development in the Green Belt.

5. On the second issue, you point to the built up character of the south eastern side of Station Road. You further point to the dwelling known as "The Bungalow", and the flats in the converted listed buildings that were formerly the stables of the Royal Hotel. You point out that both of these lie behind the developed frontage of Station Road, and flank the appeal site. You therefore maintain that the appeal site has development upon three sides of it. Further, the fourth side is defined by a low wall and a row of tall coniferous trees. You therefore argue that the appeal site is both contained by development, and shielded from the countryside to the south. Hence, in your opinion, that the proposed development would not harm the character and appearance of the Green Belt.

6. I observed that a row of tall coniferous trees currently screens the appeal site from the countryside to the south. However, as the Council point out, your client has no control over these trees, and they are not the subject of any Tree Preservation Order. Hence they could be cut down at any time, without your client being able to gainsay this act. In my view, this would result in the appeal site becoming a part of the open countryside to the south of the hamlet. I consider that once these trees are felled, any development upon the appeal site would demonstrably constitute an encroachment into the Green Belt, as it would extend the built up area of the hamlet to the south. Further, by virtue of its intrusive nature, such development would detract from the attractiveness of the Area of Outstanding Natural Beauty in contravention of the policies contained in the Local Plan for the protection of the character of such areas. I have taken note that The Bungalow and the Royal Hotel already form such an intrusion. However, one is a listed building, and the other was apparently erected many years before the designation of the Green Belt. I have therefore concluded that the presence of these two buildings does not form a precedent in this instance.

7. You point out that the proposed development would not be seen from any vantage point in the locality. I consider that the fact that a development upon a particular site would not be noticeable is not, in itself, a good argument for granting planning permission for development in the Green Belt. It could be repeated too often, resulting in the encroachment of development into the Green Belt in contravention of one of the established purposes of the Green Belt as set down in Planning Policy Guidance Note No 2. Further, it would also seriously detract from the attractive rural character of the countryside.

8. I observed that there was extensive on-street parking in front of Railway Cottages to the inconvenience of their occupants. I accept your view that the proposed development would facilitate the provision of off street parking spaces for the majority of these dwellings, and that this would result in a significant improvement in the standard of residential amenity of their occupants. However, the occupants of these dwellings have pointed out to me that the proposed car parking area would abut their back gardens. To

my mind, the noise and disturbance resulting from the use of this car park would provide a significant diminution in the existing standard of residential amenity at the rear of these dwellings. On balance, I consider that the residential amenities enjoyed by the occupants of these cottages would neither be significantly enhanced nor significantly diminished by the proposed development. Thus I have concluded that the provision of off-street parking for these dwellings does not outweigh the need to uphold the established policies which seek to prevent development within the Green Belt.

9. In my opinion, the question of both the barrier and the turning radii of the access may easily be resolved. Hence these issues do not, in themselves, preclude the development of the appeal site. In addition, I consider the design of the proposed dwellings to be well thought, and I am also satisfied that this development would not detract from the setting of the listed building. Further, except for the siting of the car park, I have formed the view that the proposed dwelling would not significantly detract from the standard of residential amenity enjoyed by the occupants of the adjoining dwellings. However, these matters do not outweigh the overriding objection to the proposed dwellings upon the grounds that they constitute an unacceptable development in the Green Belt.

11. I have considered all other matters raised, including the derelict condition of the site, and I find that none of these is of such importance as to as to override the conclusions on the major issues that have led to my decision.

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

I am Gentlemen
Your obedient Servant,

Geoffrey S. S. Lane

GEOFFREY S S LANE, DiplArch DiplTP RIBA MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Craighill Developments Ltd
Friars Court, Friarage Passage
Aylesbury
Bucks HP20 2SJ

Terence Woram Associates
52 Lebanon Park
Twickenham
Middlesex
TW1 3DG

Residential development (9 units)

at Land rear of Wolds Cottage, Station Road,
Tring Station, Tring

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 16 June 1988 and received with sufficient particulars on 21 June 1988 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 close proximity and the use of the proposed turning parking area to the rear of Railway Cottages, as shown on Drawing No. 09, would be detrimental to the amenity of these dwellinghouses due to the noise, disturbance and visual impact arising from both the movement and parking of vehicles.

/Reasons continued on attached sheet....

Dated day of 19

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.

Reasons /Cont'd....

3. The security barrier show on Drawing No. 09 would obstruct the free movement of vehicles into the site which would be prejudicial to highway safety.
4. The kerb radii shown on Drawing No. 09 would be inadequate to serve the proposed development and therefore, the use of the vehicular access would be prejudicial to highway safety.

Dated 29 day of September 1988

Signed 

Designation Chief Planning Officer.....



Planning Inspectorate

Department of the Environment

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