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TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
30 APR 1980	
FILE No.	DATE

Your reference —

Our reference

APP/5252/A/79/10140

Date

CHIEF EX 29 APR 1980

30 APR 1980

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STATE SECRETARY

SECRETARY

DEPUTY SECRETARY

CHIEF EXECUTIVE

CHIEF FINANCIAL

CHIEF TECHNICAL

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26. The extent to which the Structure Plan 'no-growth' policy succeeds, will depend largely upon economic and social pressures in the region, and upon the adequacy of wider provisions designed to meet those pressures, rather than upon the application of development control measures. The year's delay suggested by the planning authority, would be of little effect in prolonging the life of the outstanding supply of land in West Hertfordshire, and in my opinion, the absence of such a condition would have no effect whatever, upon the future success or failure of the Structure Plan policies. I conclude that the imposition of the condition would not be justified, and that planning permission should be granted subject to conditions designed to ensure the use of satisfactory materials, the satisfactory landscape treatment of the site, the safe detailed design and layout of highways and junctions, and the provision of a footpath link from the estate to Wingrave Road."

The Inspector recommended that the appeal be allowed, and that planning permission be granted subject to conditions.

3. The Inspector's comments in paragraph 24 of his report with regard to paragraph 1.1.3 of the Hertfordshire Structure Plan have been noted. The Secretary of State's views on the references to existing commitments in the policies of the Plan as submitted are set out in paragraph 4.7 of his Notice of Approval of the Plan. However, the policies establishing the rate, scale and broad location of housing development in the county are related to the housing programmes for each policy area in Part 3 of the Plan. In paragraph 3.0.5 of the Written Statement the County Council have indicated that the county's housing requirement may be met almost entirely within existing housing commitments and it does not seem to the Secretary of State that this can be taken to imply that commitments for development prior to 1 January 1976 will not be offset against the Control Levels in Part 3 of the Plan.

4. Subject to what is said in paragraph 3 above, the Secretary of State agrees with the Inspector's conclusions and accepts his recommendation. Therefore he allows your clients' appeal and hereby grants planning permission for the development for residential purposes for 110 houses with garaging and parking on land at Grove Road, Tring, Hertfordshire in accordance with planning application Number 4/1199/79 dated 17 August 1979 and the plans submitted therewith, subject to the following conditions:-

1. The development hereby permitted shall be begun not later than 30 April 1985.
2. The development hereby permitted shall not be commenced until the agreement of the Local Planning Authority required by conditions 3, 4, 6 and 8 below has been obtained.
3. The site shall be landscaped in accordance with a comprehensive scheme to be agreed with the Local Planning Authority or, in default of agreement, as shall be determined by the Secretary of State. This landscaping scheme shall be implemented before any of the dwellings hereby permitted is occupied. Any trees removed, dying, being severely damaged or becoming seriously diseased within two years of planting shall be replaced by trees of similar size to those originally required to be planted.
4. Materials to be used externally shall be as may be agreed with the Local Planning Authority or, in default of agreement, as shall be determined by the Secretary of State.
5. The existing trees on the site, marked as "existing planting" on Drawing T2 shall not be lopped or felled without the written consent of the Local Planning Authority and adequate arrangements shall be made to the satisfaction of the above Authority for their protection to prevent damage during constructional works.

6. The access roads including footways and lighting and final surface to roads and drives shall be constructed in accordance with a scheme to be agreed with the Local Planning Authority or, in default of agreement, as shall be determined by the Secretary of State.

7. The dwellings hereby permitted shall not be occupied until the sight lines indicated on Drawing T3 have been provided.

8. A footpath linking the dwellings with Wingrave Road shall be constructed in accordance with details as may be agreed with the Local Planning Authority or, in default of agreement, as shall be determined by the Secretary of State.

5. 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

MISS A GERRY

Authorised by the Secretary of State
to sign in that behalf

APPEARANCES

FOR THE APPELLANTS

Mr Roy Vandermeer QC

- instructed by Messrs Pritchard,
Englefield and Tobin,
27 Great Castle Street, London W1.

He called:

Mr J B Cousins

- director of the appellant company.

Mr H C Delves FRICS FRTP I

- planning consultant.

FOR THE PLANNING AUTHORITY

Mr R Lewis

- solicitor, Hertfordshire County
Council.

He called:

Mr T J Betts BA MFPA MRTP I

- Assistant County Planning Officer.

DOCUMENTS

Document 1 - Attendance List.

- " 2 - Notice of the inquiry.
- " 3 - Letters handed in (against the proposal - 1).
- " 4 - Correspondence submitted for the appellants.
- " 5 - Tables and Diagram submitted for the planning authority.
- " 6 - Secretary of States' letter of 21 September 1979.
- " 7 - Copy Recommendation to Committee.
- " 8 - Written Statement, Herts County Structure Plan, as submitted.

PLANS

Plan A - Layout Plan

" B

- Revisions of layout plan

} submitted before the inquiry

" Set C - House plans

" D

- Part layout plan showing area subject to planning consent for the
erection of houses.

TECHNICAL SERVICES DEPT.	
INDEXED BY	
PASSED TO	
	30 APR 1980
DEALT WITH BY	
FILE No.	DATE

Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

1 February, 1980

To the Right Honourable Michael Heseltine MP
Secretary of State for the Environment

Sir

I have the honour to report that on Thursday 24 January 1980 I held an inquiry at the Victoria Hall, High Street, Tring into an appeal by Fairview Estates Ltd under section 37 of the Town and Country Planning Act 1971 against the failure of the Dacorum District Council to decide within the statutory period an application for permission to carry out residential development involving 110 houses on land at Grove Road, Tring.

1. Had the application been decided within the statutory period it would have been refused for the reasons:-

i. The release of this land for residential development would be premature in the light of the rate of housing construction in relation to the control levels as set out in the County Structure Plan which contains, as part of the statement for each Policy Area, control levels relating to the provision of housing over the plan period. The control totals for the first 5 year period from 1976 for West Herts Policy Area have already been exceeded in the first 3 years since the submission of the County Structure Plan. If this rate of development is continued the supply of land available for residential development will be exhausted before the end of the plan period. In order to ensure a flow of land to the construction industry in accordance with housing needs, residential development must be carried out in accordance with a programme which can only be achieved by the regular phased release of land with planning permission.

ii. The development of the site in the manner proposed, entirely with 3 and 4 bedroom dwellings, does not contribute to the known housing needs of the West Hertfordshire Policy Area, which include provision of housing for young couples, elderly and single households. The proposed development is unsatisfactory in its present form since it does not reflect the needs of these differing forms of small households by the provision of a proportion of smaller dwellings within the proposed estate.

2. This report includes a description of the appeal site and surroundings, the gist of the representations made at the inquiry, and my findings of fact, conclusions and recommendations. Lists of appearances, documents and plans are attached.

THE SITE AND SURROUNDINGS

3. The appeal site is an irregularly shaped, 10 acre area of grassland at the northern end of a larger open area, on the north-eastern edge of Tring, immediately south of a mainly residential area known as New Mill. The partly hedge-bounded site

is half a mile from Tring town centre and has frontages to Grove Road to the north-east and Wingrave Road to the west. From its north-eastern edge, the site falls from the level of Grove Road to the top of a high bank above the level of Wingrave Road. West of Wingrave Road, land between it and a large housing area is in course of new housing development, while to the north-east of Grove Road there is pleasant rural landscape. Primary schools stand to the east and south-east, and beyond them and the open land adjoining the appeal site to the south, is a broad area of development running south and west to the town centre.

4. By the appeal site Grove Road has a carriageway about 18 ft wide between verges and footpaths, and it is equipped with street lighting. Wingrave Road by the site is also equipped with street lighting and it has a carriageway about 18 ft wide with a narrow western footpath.

CASE FOR THE APPELLANTS

The material points are:-

5. The appellant company specialises in the provision of low-cost housing. Since they submitted the application the subject of this appeal in August 1979, they have been granted outline planning permission to erect 37 of the 110 houses envisaged in the application, and have consent to detailed proposals in respect of 31 of the 37 (Plan D). The other 6 would be served by the more westerly access road shown on the layout plan. This has yet to be approved.

6. In the course of the inquiry, the respondent planning authority, Hertfordshire County Council have conceded, following the appellants' undertaking to advertise the houses for sale locally before embarking on regional or national advertisement, that planning permission could properly be granted for the proposed development of 110 houses, subject to conditions set out by the Planning Officer to Dacorum District Council in his recommendation to his Development Control Committee (Document 7), with the exception of condition No. 10, and subject to further conditions designed to ensure the provision of a footpath link to Wingrave Road, shown on a revised layout (Plan D), and the phasing of the development over a period to completion at 1 January 1984. In this situation, it is submitted that the refusal of planning permission cannot now be justly contemplated, and the only issue to be decided is whether or not permission should be subject to the phasing condition suggested.

7. The appellant company expect to begin the development of the eastern 4 acre area of the site, for which detailed planning consent has been given, on 1 May 1980, and to complete that development in September 1981. Should this appeal succeed, they expect to begin the development of the remaining 6 acres on 1 March 1981, and to complete it in January 1983. The conditions of consent recommended by the district Council's Planning Officer, and that requiring a footpath link to Wingrave Road, are acceptable to the company, but that requiring a 12 month delay in the completion of the development is not. The delay would result in continuing interest charges which would add £300 to the prices of individual houses, in addition to increases likely to arise as a result of continuing inflation. It would directly conflict with the Secretary of State's policies for the provision of low-cost houses, and would have no material benefit in assisting the achievement of Structure Plan objectives.

8. Discussions by the appellants' and the planning authority's representatives concerning the application, invariably centred around the question of the mixture of house types to be included in the development. The Rule 6 statement paragraph 3.2

envisages the development of the 10 acres as "a single development and marketing exercise" and in the light of this and the earlier negotiations, the authority's objection to the timing of the development intended, appears bogus. Much of the authority's case at the inquiry has indicated a wish to have the development at the lowest possible price to purchasers, and their contention that completion of development should be delayed for a year, conflicts with this objective.

9. Although the First Review of the County Development Plan approved in 1971, defines the appeal site as school playing fields, it has long been effectively superseded. The non-statutory document, 'Hertfordshire 1981' was approved and adopted by the County Council as a statement of policy and a basis for development control in 1972, and that document, intended to serve those purposes pending the completion of the County Structure Plan, allocated the appeal land for primarily residential purposes. The allocation was repeated in the non-statutory Tring Town Plan of 1977, and in the District Council's Draft Local Plan. The allocation in 'Hertfordshire 1981' clearly implied that the residential development of the land would be completed by 1981, for the document specifically envisaged the development of all "available housing land" by 1981. It did not make programming or phasing proposals. The Structure Plan was approved with modifications in September 1979.

10. Paragraph 1.4.5 of the Structure Plan (Document 8) sets out that "the Plan will be altered when and where monitoring reveals this to be necessary", but there is no mention of monitoring in the planning authority's case. The appellants' proposals cannot genuinely be in conflict with the Approved Structure Plan Strategy, for when the Secretary of State was considering the Structure Plan, the 2,600 new homes put forward as the 'control level' for the West Hertfordshire Policy Area over the period to 1981, had already been built. It was therefore inevitable that this initial control level would be exceeded, unless it was actually the Secretary of State's intention that commitments for development prior to 1 January 1976, would not count against that control level. This could have been the basis of his approval of the Structure Plan, for the last sentence of paragraph 1.1.3 of the Written Statement (Document 8) states: "Any commitments made after 1 January 1976 will be offset against the control levels given in the Policy Area Statements given in Part 3 of this Plan". The preceding sentence reads: "For the avoidance of doubt, the above list (of commitments) is intended to include allocations of land made in the document 'Hertfordshire 1981'". Those allocations included the appeal site.

11. As the planning authority's witness admits, the authority did not suggest to the Secretary of State that no more grants of permission for houses could be given before 1981, because the control level would be exceeded. It is inconceivable that the Secretary of State would have accepted such an inflexible attitude and it follows, particularly as Tring is strongly affected by major employment centres at Aylesbury, Luton/Dunstable, and in the Gade valley to Watford, that the Structure Plan's development control policies must be operated flexibly, on a strategic basis. There is nothing in the planning circumstances appertaining to this appeal that could sensibly be taken either to suggest or justify a condition of consent requiring that the completion of development of the appeal land be delayed from January 1983 to January 1984.

12. Apart from these broader considerations which clearly indicate the futile irrelevance of the delay suggested by the authority, there are changed circumstances upon the appellants' own housing development on the Woodhall Farm Housing Estate at Hemel Hempstead within the same Policy Area as the appeal site, which show the need for flexible administration of development control policy, and demonstrate that permission for the housing now proposed could sensibly be given without restriction upon the rate of building. The original approved scheme for the development of Woodhall Farm Estate has been altered to incorporate shopping facilities. This

entails the loss of at least 44 dwellings and with further changes now contemplated it is likely that the total number of houses lost from the number first intended, will be 81.

13. Before the delay in the completion of the intended new estate of 110 houses, and the concomitant increased cost to purchasers, could be justified, it would be necessary for the authority to show that without it there would be materially prejudicial effects upon important objectives. There is nothing to show that the absence of the condition would have any marked effect upon the rate of consumption of land, nor is there any suggestion by the authority that the housing needs of the policy area would not be sufficient to ensure that the houses would be occupied in accordance with the Structure Plan policy. The Secretary of State is therefore invited to allow the appeal and grant planning permission, subject to the conditions recommended by the Planning Officer to Dacorum District Council (Document 7); and, if he is so minded, to a condition requiring the provision of a footpath link to Wingrave Road.

CASE FOR THE PLANNING AUTHORITY

The material points are:-

14. The Hertfordshire County Development Plan First Review was approved in 1971. It allocated the site for school playing fields, but as the case for the appellants points out, the interim policy document, 'Hertfordshire 1981' allocated the land for primarily residential purposes. This document was adopted by the county council as a non-statutory review of the Development Plan, in 1972. Its provision in respect of the appeal site was repeated in the district council's informal Tring Town Plan, which was adopted as a Local Plan and policy document by the district and county councils in 1977, as a basis for development control.

15. The County Structure Plan was submitted to the Secretary of State in April 1976, and the 2 councils subsequently considered planning applications in the light of its policies. The Secretary of State published proposed modifications to the Structure Plan in December 1978, and subsequently applications were considered in the light of the modified policies. The modified Structure Plan was finally approved in September 1979. It sets out in Policy No. 1, that local authorities will restrain development within the county, and Policy No. 2 extends the Metropolitan Green Belt to an area 12-15 miles deep, so that it surrounds Tring (diagram at Document 5). Policy No. 11 sets out that the housing programme for each policy area establishes the rate, scale and broad location of housing as a basis for the preparation of local plans and for development control decisions, and paragraph 3.1.3 of the written statement (at Document 5) provides for housing increase control levels in the West Hertfordshire Policy Area (Dacorum District) of 2,600 for the period 1976-81 and 2,800 for the period 1981-86.

16. The Dacorum District Plan draft policy statement sets out the intention to seek agreement with owners of housing sites of significant size, to ensure that the sites are developed for the benefit of the residents of Dacorum. The final plan has yet to be certificated by the county council as being in accordance with the Structure Plan, but Policy No. 12 sets out the same intention and the intention to ensure that an appropriate number of houses is built for the housing needs of the area. It reads: "The local planning authorities will seek to ensure, together with the house building industry, that an appropriate number of dwellings as set out in the policy area statements is built, and that such provision together with the provision for dwelling improvement accords with the housing needs of the policy area".

17. The county council were concerned at the effect the release of the 10 acre appeal site would have upon the control levels set out in the Structure Plan, and after discussions with the district council they had hoped, in the light of the grant of detailed permission for the development of 4 of the 10 acres, to persuade the appellants to extend and phase the period of development of the remaining 6 acres. It is accepted that the appellants' undertaking to advertise the houses for sale locally before embarking on any nationwide advertising, assists the objective of meeting the needs of residents of the district, and that in the light of this assurance, and the appellants' evidence to show that the cost of their 3-bedroom houses would not materially exceed the cost of 2-bedroom houses on this site where housing density is restricted by covenant, it would now be appropriate to grant planning permission for the development of the whole 10 acre area. Nevertheless, building in the district has been and continues to be at a rate likely to result in the development of much more land than is envisaged by the housing control levels for the period to 1986, set out in the Structure Plan. The grant of planning permission should therefore be subject to the conditions set out in the recommendation to Dacorum District Council (Document 7), with the exception of condition No. 10 which requires hedges to be cut down, but with addition of conditions requiring the provision of a footpath link to Wingrave Road as requested by Tring Town Council, and the phasing of development to ensure that it would not be completed before 1 January 1984.

18. The Structure Plan policy for Hertfordshire is for "low-growth", and this in turn involves a policy of 'no-growth' in the West Hertfordshire policy area, apart from growth attributable to the natural increase of the population. Thus the policy is essentially one of restraint. In mid 1976, soon after the submission of the Structure Plan with its 'control' total of 5,400 dwellings for the policy area over the period 1976 to 1986, the potential for additional housing construction, including existing allocations and commitments, was:

houses in course of construction	1,080
detailed planning permission	3,060
outline planning permission	1,160
allocations (permission not granted)	2,010
TOTAL	<u>7,310</u>

The total of houses under construction and permitted was 5,300, almost as many as the control total for the period to 1986. Thus it was then, as it is now, unlikely that the implementation of these permissions would be delayed until the mid 1980s. It has been clear from the outset, that the achievement of the Structure Plan objective would involve a significantly lower rate of construction in the latter part of the period, than obtained during the earlier years.

19. According to the Department's housing statistics, the number of dwellings built in the policy area between mid 1976 and mid 1978 was 2,688, which already exceeded the 1976 to 1981 control total of 2,600. Current information indicates that 820 more dwellings were built between mid 1978 and mid 1979. This does reflect a reduced building rate, but over the 3 year period, residential building has exceeded the planned rate, and building land is being used too rapidly for compliance with the Structure Plan aims.

20. The county council's mid 1978 housing land availability survey indicates that there was then sufficient land for 5,020 more dwellings in the policy area, 1,740 in the public sector and 3,280 in the private sector. At the building rates prevailing from mid 1976 there would have been 3.7 years supply of land from mid 1978, or at the 1978-79 building rate 4.3 years supply would have been available, and the supply would have been exhausted in 1982.

21. Of the possible 5,020 houses for which land was available in 1978, 1,440 would have been on land allocated but not subject to planning permission. Since mid 1978, further permissions have been granted and only about 1,250 more dwellings could now be built in the policy area, on land allocated for housing but without the benefit of planning permission. It is only in respect of this potential for 1,250 more dwellings, that the planning authority can act to slow the rate of construction of new dwellings to accord with the provisions of the Structure Plan. The requirement for restraint upon the development of the appeal land, seen in this context, is plainly both reasonable and essential if the objectives of the Structure Plan are to be achieved, and the Secretary of State is invited to support the authority in its efforts, and to impose a condition of consent designed to slow the rate of construction on the appeal land, so that its development shall not be completed before 1 January 1984. If land in the policy area were to be developed as fast in the next few years, as it was in the years 1976 to 1979, it is likely that there would be pressure for the release of green belt land, and the Structure Plan's policies of restraint would be in danger of breakdown.

22. On behalf of the appellants, it has been suggested that the county council have overlooked the possible implication in the last part of paragraph 1.1.3 of the Structure Plan Written Statement (Document 8 - page 1) that housing commitments made before 1 January are not to be offset against the control levels given in the policy area statements. This may well be correct, and it appears that in approving the Plan, the Secretary of State also overlooked this point, but the paragraph does not say that control levels exclude pre-1976 commitments. If the land committed to housing before 1 January 1976 were to be excluded from the control levels, the result would be the invalidation of the Structure Plan restraint policies. There can be no genuine doubt that when the control levels were calculated through the forward projection of the restraint policies, they embraced the continued development of land committed for housing at that time.

FINDINGS OF FACT

23. I find the following facts:-

i. The appeal site:

- a. is an irregularly shaped 10 acre area of grassland at the northern edge of a larger open area, on the north-eastern edge of Tring, immediately south of residential development at New Mill;
- b. is shown as school playing fields on the approved First Review County Development Plan;
- c. is allocated for primarily residential purposes in the interim policy document, 'Hertfordshire 1981' adopted by the planning authority as a basis for development control in 1972, and in the informal Tring Town Plan of 1977.

ii. Four acres of the 10 acre site have the benefit of outline consent for the erection of 37 of the proposed 110 houses: 31 of the 37 are the subject of detailed approval and the other 6 would derive access from the western access road shown on the layout plan (Plan A) not yet approved.

iii. The appellant company undertakes to advertise the proposed houses for sale locally before embarking upon any regional or national advertising.

iv. On the basis of this undertaking the planning authority accept that planning permission should be granted subject to conditions including a condition designed to phase development in a manner whereby it would not be completed before 1 January 1984, and the parties are agreed that the matter of this condition remains the only issue between them.

v. The appellants expect to begin development of the 4 acres having the benefit of full planning permission in May 1980 and to complete it in September 1981, and with the permission now sought, they would expect to begin the development of the remaining 6 acres in March 1981, and to complete it in January 1983.

vi. The delay envisaged in the suggested planning condition would materially increase the cost of development.

vii. The County Structure Plan, approved with modifications in September 1979, sets out the intention "to seek to ensure, together with the house building industry, that an appropriate number of dwellings as set out in the policy statements is built, and that such provision ... accords with the housing needs of the area".

viii. The policy statement for the West Hertfordshire policy area sets out housing increase control levels of 2,600 for the period 1976 to 1981 and 2,800 for the period 1981 to 1986, while the Department's housing statistics record that 2,688 dwellings were built in the period mid 1976 to mid 1978, and the county council's current information is that 820 more dwellings were built between mid 1978 and mid 1979.

ix. At mid 1978 there was sufficient land in the policy area for 5,020 more dwellings, according to the county council's land availability survey.

x. About 1,250 houses could be built in the policy area, on land allocated for housing but without the benefit of planning permission.

CONCLUSIONS

Bearing in mind the above facts:-

24. I take the last sentence of paragraph 1.1.3 of the County Structure Plan, which states: "Any commitments made after 1 January 1976 will be offset against the control levels given in the Policy Area Statements in Part 3 of this Plan" to carry the implication that land, including the appeal site, which was allocated for housing development by the county council before 1 January 1976, is not to be offset against the control levels. Whether or not this implication, apparently overlooked by the planning authority, was also overlooked when the Structure Plan was approved, is a matter for the Secretary of State.

25. Irrespective of this matter, it appears from the building rate and housing land availability figures, that firm adherence to land allocations in accordance with Structure Plan provisions and policies, will entail the eventual exhaustion of the planned supply of building land in the West Hertfordshire Policy Area, by 1986. In stating the housing policy intention that "local planning authorities will seek to ensure, together with the building industry, that an appropriate number of dwellings as set out in the policy area statements is built, and that such provision ... accords with the housing needs of the policy area", the Structure Plan appears to me to envisage a flexible, co-operative approach by the authorities. I accept that in seeking to negotiate phasing arrangements for proposed development, the planning authority properly follow that policy, but the policy does not necessarily imply that refusal of planning permission or the imposition of an unacceptable condition of consent, will be justified when negotiations fall short of the ideal planning result. In my understanding the policy does not imply that it will be right to compel developers to delay the completion of acceptable housing development on sites as small as 10 acres, or when the delay would increase costs which would otherwise have been avoided.

26. The extent to which the Structure Plan 'no-growth' policy succeeds, will depend largely upon economic and social pressures in the region, and upon the adequacy of wider provisions designed to meet those pressures, rather than upon the application of development control measures. The year's delay suggested by the planning authority, would be of little effect in prolonging the life of the outstanding supply of land in West Hertfordshire, and in my opinion, the absence of such a condition would have no effect whatever, upon the future success or failure of the Structure Plan policies. I conclude that the imposition of the condition would not be justified, and that planning permission should be granted subject to conditions designed to ensure the use of satisfactory materials, the satisfactory landscape treatment of the site, the safe detailed design and layout of highways and junctions, and the provision of a footpath link from the estate to Wingrave Road.

RECOMMENDATION

27. I recommend that the appeal be allowed, and that planning permission be granted subject to conditions as described in paragraph 26 above.

I have the honour to be
Sir
Your obedient Servant

R WOODFORD

PROOF OF EVIDENCE

Town and Country Planning Act 1971 Section 36.

Appeal by Fairview Estates Limited in respect of:-

The non-determination by Dacorum District Council of the detail application for residential development of 110 houses with garaging and parking at Grove Road/Wingrave Road, Tring. Local Authority Ref. No. 4/1199/79.

D.O.E. Appeal Reference APP/5252/A/79/10140.

PROOF OF EVIDENCE OF

JOHN BRYAN COUSINS

who will say:-

- 1) I am a Director of Fairview Estates Limited and have been actively engaged in all aspects of land acquisition and marketing of private housing in the South East of England for 21 years.
- 2) My company specialises in the provision of low cost housing projected as far as possible to be within the financial constraints of first time purchasers and 80% of the 1979 private sales completions were acquired by this sector of the market.
- 3) The appellant company has for almost two decades made a speciality of the design and construction of smaller dwellings and during 1979 completed and sold 1,113 new flats and houses. 90% of last year's production was low cost housing (1,002 units).
- 4) The three-bedroom houses shown on the application plan T2A are in terms of bed spaces capable of accommodating four persons and we have found they are not usually much larger than many two-bedroom units of accommodation and which have proved little cheaper to build, for reasons I shall explain later.

- 5) The initial provision of three-bedroom houses is more popular with purchasers but, in the light of what I have said in the previous paragraph, we might build some of the dwellings minus the wall making the third small bedroom and thereby creating two bedrooms in the way suggested by the County Council.
- 6) Experience has indicated that first time buyers, who are usually young couples engaged to be married or recently married, sometimes with a young child and perhaps another one on the way, prefer an extra room which they can afford within their financial constraints at the cost of reduced over-all floor areas, allowing for the future expansion of a family and avoiding the expense of moving home later, at a time when the additional cost of an enlarged family can become more burdensome.
- 7) Whilst the third bedroom of our three-bedroom houses is specifically designed for a child, it is also frequently used as a study or dressmaking room to avoid the distraction of the television in the through ground floor room, which is a feature of the three-bedroom houses shown on the application plan T2A.
- 8) If an occupier desires, he can always remove the wall between the smaller third bedroom and the larger bedroom, thereby converting his dwelling to one with two bedrooms.
- 9) The appellant company does not wish to construct one and two-bedroom accommodation on the appeal site in view of its outlying position at the extremities of the town for the reasons mentioned in paragraphs 5 and 6 and because there is therefore insufficient demand.

- 10) Experience has shown that accommodation with one and two-bedrooms is usually required or occupied by elderly persons often not owning a car and without the ability to drive and consequently requiring positions in the centre of the town, or at least on a development of sufficient size to support its own facilities, which is not the case here.
- 11) The development of the appeal site is restricted to 12 units per acre, as is indicated by a copy of the agreement between the vendors and the appellant company and a subsequent letter in modification (Appendix I).
- 12) It will therefore be realised that the site's development by way of dwellings with a lower accommodation content would result not only in a lack of demand but also in a land cost per dwelling that would make the development non-viable and, additionally, uneconomic in land use, and as previously mentioned in paragraph 4, it has been my experience on many separate occasions that smaller dwellings are uneconomical in the use of materials and consequently little cheaper to build than the appellant company's three-bedroom house types shown on the application plan T2A, due to many design and material factors being common by necessity to both sizes of dwelling.
- 13) The appellant company would not have accepted the restrictions imposed by the covenant if it was thought to have inhibited the form of development as envisaged on the application plan T2A, which is based on the results of the demand patterns established from the feedback of over 19 active years of residential estate development offered for sale.

- 14) The demand for housing in the location of the appeal site is predominantly for the types of dwellings shown on the application plan T2A and they transpire from the confirmation of the findings of market research.
- 15) Development of the appellant company's estates never proceeds on a speculative basis but only after exhaustive research as previously mentioned and as a matter of fact, the dwelling types we are seeking to construct on the appeal site have for many years proved very popular with first time buyers, as is evidenced by the thousands purchased.
- 16) The appellant has on many previous occasions sold developments similar to that proposed very successfully and would not be promoting this scheme if it was thought there would be anything but immediate purchaser acceptance.
- 17) The company has, in other suitable locations, built or is proposing to construct a high proportion of smaller dwellings.
- 18) One such site is situated within the Dacorum District Council area at Woodhall Farm, Hemel Hempstead, and at this location, 240 one-bedroom dwellings are built or are in the course of construction, together with 605 two-bedroom dwellings, representing 12.6% and 30.7% respectively of the total site content of 1969 dwellings.
- 19) At the previously mentioned development, a supermarket and four shops are almost completed, which have been constructed on an area of land previously consented for residential development and has resulted in the loss of 44 dwellings.

- 20) The appellant company is currently looking into the provision of more extensive shopping facilities at the previously mentioned development in view of its substantial size, which will result in the further loss of 37 dwellings.
- 21) The above information clearly indicates the appellant company's willingness and ability to construct small dwellings where the demand is adequate.
- 22) As the County Council are putting their case on a policy wide area, it is realistic to state that the total dwellings in the policy area will definitely be 44 short of the County's figures and may well be a total of 81 lost, as previously explained in paragraphs 19 and 20.
- 23) The method of interpreting demand as used by the County Council through the information obtained from a General Households Survey cannot be used or construed to indicate there is a demand for the dwellings claimed.
- 24) This information is completely fallacious and any development company endeavouring to use this as indicative of a demand pattern would soon be in grave difficulty.
- 25) In my experience, most persons occupy accommodation surplus to their requirements by choice and the County Council have not advanced the suggestion that everyone wants to occupy minimal accommodation and there is little evidence to indicate that this is the case.
- 26) The District Council's Planning Officer's report to the Development Control Committee dated the 6th December, 1979, indicates that the planning application for the subject site of this appeal was written up for approval (Appendix II).

- 27) I think this is a case where judgement of the content of the development to be constructed should rightly be a decision of the appellant company undertaking the responsibility of the construction of the site and therefore I ask the Secretary of State to please provide a planning consent on the basis of application plan T2A to enable the implementation of the site to be commenced without delay or hindrance.
- 28) The rule six statement seems to suggest that the proposed development is premature, although timing is not mentioned, and is of an incorrect mix of dwelling types, and it further seems to suggest that both the four acres and six acres are developed in totality as one site, which clearly could commence straight away as the four acres is already detail consented.
- 29) Resulting from my earlier discussions with Mr. Betts of the County Council; I was satisfied that timing was not a real issue, particularly so as in a telephone conversation with him on the 15th January, he advised that "it was not our intention to put you in the position that the development of the six acres should not run in continuity with the four acres".
- 30) It is important that the construction of the four acres site already detail consented is continuous with the six acres appeal site and that the latter is constructed over two years, as this makes for considerable cost savings. We are not happy that this period should be extended, which, to do so by 12 months, would increase the cost of the dwellings by almost £300 each due solely to additional accruing interest charges. This figure would be in addition to inflation.