



Department of the Environment

Room 1319

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PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ack.	
Admin.	File
Direct line 0272-218 875	
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GTN 2074	
Received 20 FEB 1981	
Comments	
Your reference	
Our reference	
T/APP/5252/A/80/12917/G7	
Date	

Mr G B Toth
128 High Street North
DUNSTABLE
Beds
LU6 1NL

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/1211/80

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for a dwelling on land at Deer Leap Swimming Pool, Little Gaddesden, Herts. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on Tuesday 3 February 1981.
2. From my inspection of the site and its surroundings and consideration of the representations made I am of the opinion that the issue relevant to the determination of this appeal is whether there is special justification for your proposal in the face of the Structure Plan policies for areas such as that in which the site lies.
3. The approved Structure Plan specifies a similar presumption against development in the rural areas beyond the Green Belt as within it and in regard to the Chiltern area of outstanding natural beauty the Plan cites the preservation of the beauty of the area as of primary importance. This presumption in the Structure Plan is carried forward from the approved county development plan and permits of exception to the policy only where new building is required for agriculture, small scale facilities for participatory sport or other uses appropriate to a rural area.
4. I note from my inspection that the site lies at the head of a small valley, bordered by dwellings occupying extensive grounds, through which one in times past approached Ashridge House, a large manor now a college. Your swimming pool and its associated buildings ie changing cubicles, cafe, office, etc lies to the north and appear to be in good condition. You have provided lawns on the western and south-western side of the pool complex and landscaping is continuing and there is ample car parking round the north-eastern side of this pool on grassed areas. In the angle of the junction of the road from Little Gaddesden with the B4506 there is a garage within the curtilage of which is the old stone lodge. Visibility from the pool access along the minor road is poor ie about 30 yds in each direction but visibility in the direction of on coming nearside traffic on the major road at the junction at Ringshall is satisfactory. A dwelling on the site would be almost unnoticeable from the B4506 and totally hidden from the minor road and from within surrounding properties.
5. It is clear that you have considerable investment in the swimming pool which you are continuing to enhance and I note your future intentions. In May 1979 you

were granted permission for, inter alia, an additional changing block and in June 1980 for landscaping. It seems to me that a facility of this kind left unattended is an invitation to the kind of vandalism which is growing rather than diminishing in our society and if allowed to go derelict the existing development would become a blot on the landscape.

6. Whilst I wholeheartedly support, in general terms, the policy of preservation and enhancement pursued by the planning authority I consider this is a special case and one which cannot set a precedent. Approval to a dwelling on the site would do little harm to the public interest, since the site adjoins other development, and is on the fringe of the village, and the proposed dwelling would be inconspicuous and would have a minimal impact on the locality of the area. I see the proposal as necessary for the supervision of the existing recreational facility which apparently is well supported.

7. I have considered all the other matters raised in the representations, including the split view of the Parish Council, the views of the Rural Heritage Society and of a number of individuals who have a dwelling in this area, but do not consider them of sufficient import to outweigh the considerations that have led me to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a dwelling on land at Deer Leap Swimming Pool, Little Gaddesden in accordance with the terms of the application (No 4/1211/80) dated 24 July 1980 and the plans submitted therewith, subject to the following conditions:

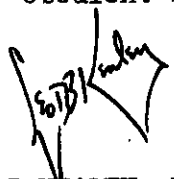
1. a. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. 5 years from the date of this letter; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

9. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

10. 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 Sir

Your obedient Servant

A handwritten signature in dark ink, appearing to read 'L T B KALEY', with a stylized flourish at the end.

L T B KALEY BEng(L'pool) FRTPI FRSH
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Messrs. G. J. & B. M. Toth,
128 High Street North,
DUNSTABLE,
Beds.

One dwelling	- OUTLINE
on land	
at	Deer Leap Swimming Pool, Little Gaddesden.

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 5th August, 1980, and received with sufficient particulars on 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 Chilterns Area of Outstanding Natural Beauty on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension 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 11th day of September, 19 80...

Signed..... 

Designation Director of Technical Services.

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.