

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To McManus Developments Ltd
The Firs
Aston Abbotts
Aylesbury
Bucks

Mr M J Glasser
Paddock Cottage
Wilstone
Tring
Herts

Residential development (Outline)

at Land at Chapel End Lane and adjacent to Paddock
Cottage, Wilstone

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
..... 23 June 1988 and received with sufficient particulars on
..... 27 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 a rural area beyond the 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 ther terms of this policy.
2. The proposal is not supported by evidence of local need sufficient to satisfy Policies 3 and 4 of the adopted Dacorum District Plan.

Dated 20 day of October 1988

Signed

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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.



Planning Inspectorate
Department of the Environment

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ADDED

280 4/6

M J Glasser Esq
The Old Cowhouse
WILSTONE
Nr Tring
Hertfordshire
HP23 4NX

Your ref:

Our ref:

T/APP/A/1910/A/88/110180/P7

Date: - 5 JUN 89

Received - 7 JUN 1989

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY McMANUS DEVELOPMENTS LTD
APPLICATION NO. 4/1224/88

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal against the decision of Dacorum Borough Council to refuse outline planning permission for residential development on land adjacent to Paddock Cottage, off Chapel End Lane, Wilstone, Herts. I held a hearing into the appeal on 10 May 1989.

2. The appeal site, whose area runs to some 0.66 ha, is situated on the north side of Chapel End Lane and comprises a disused poultry farm and an adjoining paddock. Five poultry sheds are sited on the land, which is overgrown and part of which is laid out with open concrete chicken runs. The site is bordered to the east by the curtilage of Paddock Cottage and to the north by an animal food processing factory, while open fields lie to the west. On its south-western side the site adjoins a thatched cottage at 9 Chapel End Lane which is a Listed Building and on the opposite side of the road are modern detached dwellings, beyond which at the end of the cul-de-sac is Chapel End Farm, a collection of Grade II* Listed Buildings recently converted to residential use. The site's frontage to Chapel End Lane is marked by a dense hedgerow with trees and a strip approximately 12m deep along this boundary is included within the Wilstone Conservation Area.

3. From my inspection of the site and its surroundings and from the representations made, I regard the main issue as whether, bearing in mind the rural settlement policies of the Structure and Local Plans, the proposed development would be harmful to the rural character of the area.

4. Wilstone lies in a rural area beyond the Metropolitan Green Belt which is subject to restraint policies in both the District Plan and Structure Plan Review; Policy 2 of the former states that, except in very special circumstances, development will not be permitted other than for agriculture or forestry, appropriate leisure activities that cannot reasonably be located in an urban area and other uses appropriate to a rural area. Wilstone is not one of the villages listed in Policy 5 where small-scale residential development may be permitted and the Council made it clear at the hearing that "the housing needs of the rural part of the District" referred to in Policy 4 did not go beyond replacement dwellings and re-use of redundant agricultural buildings.



5. There is therefore no provision for additional new housing development outside specified settlements and, although Policy 52 of the recently approved Structure Plan Review raises the possibility of additional settlements being selected for development, this would be through the medium of Local Plans and in my view the Council's review of the District Plan is as yet at too early a stage to be a material consideration in the present appeal. I also note that, while you refer to the local demand for new housing, you accept the existence of a 5-year supply of land for housing in accordance with Circular 15/84. Nor is it part of your case that your clients' development would meet a particular need for low cost housing which the Secretary of State has recently recognised may in some circumstances justify development in addition to the general provision of housing in an area. In my view therefore the proposal would be in clear conflict with the restraint policies of the Structure and District Plans, neither of which appears to me so out of date as to significantly reduce the weight to be accorded to them.

6. Nevertheless I recognise that the development plan is only one of the material considerations to be taken into account. I accept that the site has no future as a poultry farm as this would require a much larger scale of operations and considerable capital investment, and I also agree with the view of the Inspector in the previous appeal that intensive poultry or livestock rearing would be inappropriate on environmental grounds in close proximity to residential uses. Although the ADAS report did not rule out horticultural use, it is clear that the small size of the site, the poor soils and concrete pads and the scale of investment involved would make such an undertaking economically uncertain. I also note that the adjoining land to which the Council has referred is used as paddocks rather than a more productive agricultural use and I am sceptical that enlargement of the holding would significantly improve its viability.

7. There is no dispute that the existing buildings on the site are both redundant and unsightly and I recognise that their removal would be beneficial in environmental terms. They are, however, low in height and generally well-screened and not therefore overtly intrusive in views of the village from the main road or from the public footpaths to the west of the village. New housing, which may be 2-storey, would probably be more visible from the footpath (as is the 2/3 storey building on the old school site), but that view is dominated by the tall buildings and silos of the food processing factory and the impact of new housing would in my opinion be substantially reduced by the open foreground and screen hedgerow to the west of the site.

8. The impact of the development on Chapel End Lane is potentially far greater as in my view the essentially rural character of the lane derives in large measure from the vegetation along the site frontage. However, were this to be retained and with only a single access point to serve the development, I consider that a well-designed housing scheme would be acceptable and consistent with the requirement to preserve or enhance the character of the Conservation Area. I am aware of the opposition of a number of residents, including signatories of the petition, to the incorporation in the site of the undeveloped paddock between the poultry farm and the listed building at No 9 Chapel End Lane, but subject to the retention of the frontage hedgerow I do not consider that development would in principle be detrimental to the setting of the listed building, nor would it involve extension of development beyond the rear boundaries of the frontage properties.

9. Concern has been expressed that to permit the development would make it difficult for the Council to resist the development of other sites and particularly of further land to the west of the appeal site. I do not believe this fear is well founded. Although there are no defined village boundaries, this largely derelict site lies close to the village centre; it is smaller

than that previously dismissed on appeal, includes less undeveloped land and would not in my view involve any extension of the village into open countryside. Similar considerations would not apply to undeveloped land to the west of the appeal site.

10. In conclusion, I find that the circumstances in this case are such that development of this largely derelict site within the village can be permitted as an exception to the normal restraint policies without detriment to the rural character of the countryside and this part of the village. In allowing the appeal and granting outline permission I have considered the Council's suggested conditions. Those relating to submission of details are acceptable and I fully concur with the requirement for a landscaping scheme on this site which lies partially within the Conservation Area and also abuts the countryside outside the village. Limitation to a single access point is also necessary to minimise loss of frontage vegetation. As the site lies within an area thought to be of archeological significance a condition in respect of excavation is appropriate. Finally, while I recognise the Council's wish to avoid a high density development which I agree would be out of character with its surroundings, the condition suggested is too imprecise to be acceptable.

11. I have taken account of all the other matters raised in the representations, including the concern about use of Chapel End Lane to provide access to the development, but the Highway Authority has not objected and neither this nor any other matter cause me to alter my decision.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant outline planning permission for residential development on land adjacent to Paddock Cottage, off Chapel End Lane, Wilstone, Herts in accordance with the terms of the application (No 4/1224/88) dated 23 June 1988 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(s), 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 permission.
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 permission, 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.
3. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, particularly along the northwest, southwest and southeast (road frontage) boundaries of the site, together with measures for their protection in the course of development.
4. All planting, seeding or turfing comprised in the approved

details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

5. No dwelling shall be occupied until access roads have been constructed and space laid out for the parking of cars in accordance with details to be submitted to and approved by the local planning authority.

6. There shall be one point of access to the development only.


7. Development shall not commence until details of the method of disposal of sewage and surface water have been submitted to and approved by the local planning authority.

8. The developer shall afford access at all reasonable times to any archeologist nominated by the local planning authority, and shall allow him or her to observe the excavations and record items of interest and finds.

13. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

14. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



C.J. CRAIG MA(Oxon), M.Phil, MRTPI
Inspector

Alan

Private Rd ?

unadopted

constr. to County Standard but not offered
for adoption