

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/1224/96

Mr M Halsey
Lovetts End Farm
Piccotts End
Hemel Hempstead
HERTS

John Nash & Company
31 Hill Avenue
Amersham
Bucks
HP6 5BX

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

Land off Brown's Spring, Potten End, Nr Berkhamsted, Herts

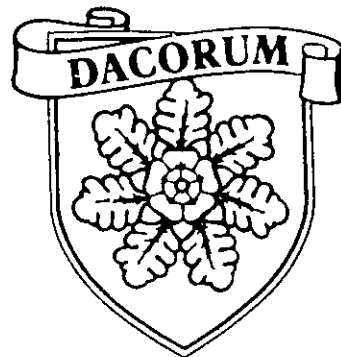
DETACHED BUNGALOW AND GARAGE AND NEW ACCESS

Your application for *full planning permission* dated 16.09.1996 and received on 24.09.1996 has been *REFUSED*, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 07.11.1996

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/1224/96

Date of Decision: 07.11.1996

1. The site is within the Metropolitan Green Belt on the adopted Dacorum Borough Local 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 adopted Dacorum Borough Local Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of this policy.



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Messrs Savage & Partners
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HP6 6AA

Your Ref:

PLANNING DEPARTMENT					
DACORUM BOROUGH COUNCIL					
Ref: APP/A1910/A/97/280732/Pak					
DP	DC	BC	Admin	File	
Date: - 20 Oct 1997					

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR M HALSEY
APPLICATION NO: 4/1224/96

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision by Dacorum Borough Council to refuse planning permission for the erection of a detached bungalow on land adjoining Everglade, Browns Spring, Potten End. I have considered the written representations made by you and by the Council and also those made by Nettleden with Potten End Parish Council and interested persons. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on 22 September 1997.

2. In addition to the proposed bungalow, the plans submitted with the application show a detached garage. They also show that permission is sought for the construction of a private drive from the turning circle of Browns Spring; the drive would serve the proposed bungalow, and extend beyond it to give access to other potential building plots on adjacent land within your client's ownership.

3. In the Dacorum Borough Local Plan, adopted in 1995, the appeal site is shown to be within the Metropolitan Green Belt. Policy 3 states that only certain development, not including house building, is acceptable in the Green Belt. Within certain villages, of which Potten End is one, Policy 4 of the Plan permits small-scale residential infilling to meet a proven local need; however the site is not within the village boundaries shown on the Proposals Map, the proposal is not infilling as defined in the Plan and no local need has been proven, so this Policy does not apply. Government policy, set out in Planning Policy Guidance note 2, is that the construction of new buildings in a Green Belt is inappropriate unless for certain defined purposes not relevant to this appeal. The Guidance states that inappropriate development in a Green Belt is by definition harmful to it, and that permission should not be granted unless there are very special circumstances which clearly outweigh the harm. The primary issue in this appeal is therefore whether such circumstances exist.



4. The site is also within the Chilterns Area of Outstanding Natural Beauty. Such areas are designated primarily for the purpose of preserving and enhancing their natural beauty, and both the Structure Plan (Policy 2) and the Local Plan (Policy 90) make the preservation of that beauty their prime consideration in dealing with development proposals. The second issue therefore is the effect of the proposed bungalow on the character and appearance of this part of the AONB.

5. I will take this issue first. The appeal site is part of Brown's Spring, an area of dense, apparently self-set woodland. There is no suggestion that the trees are of value as timber, but the presence of the wood does in my view make a positive contribution to the appearance of the AONB, where copses and small patches of woodland are a typical feature of the landscape. Although it would be possible to build a single bungalow on the appeal site without wholesale clearance of the wood at the outset, there would inevitably be a tendency for future residents to clear more trees once residential development had taken place, particularly as few of them are of merit as individual specimens. Moreover, the access drive for which permission is sought is clearly designed to facilitate future house building on the whole of the woodland. I saw that from the north-western edge of the wood there is an extensive panorama across the valley towards Frithsden and Nettleden; Brown's Spring will therefore be clearly visible from land on the other side of the valley which is within the AONB, and if it were lost or severely thinned to make way for residential development the appearance of the area would be changed for the worse.

6. Turning to the Green Belt issue, your view is that the site serves no Green Belt purpose. I do not agree: as an area of naturally regenerating woodland, the land is part of the countryside, and one of the purposes of the Green Belt is to safeguard the countryside from encroachment. But even if I were to share your opinion that the site is waste land of no consequence in terms of countryside protection, that would not alter the fact that the land is in the Green Belt where inappropriate development is by definition harmful: you would still need to show that special circumstances existed before permission could properly be granted.

7. Your submission is that the proposal should be permitted in view of the shortfall in the supply of land for housing development in Dacorum; your figures, which the Council have not disputed or commented on, show that the problem is serious, with building land available to meet less than about 2.5 years' need. I have no doubt that the authority will need to address this matter urgently, but I am nevertheless confident that the shortfall is not a circumstance which would justify the grant of permission on this appeal. It may be that sufficient land could be found in parts of the Borough not in the Green Belt; if not, it will be necessary to choose those sites least harmful to Green Belt objectives and best-related to existing development. This calls for a comparative study which cannot be done on the basis of an appeal in respect of an individual site and in the absence of information about other possible sites.

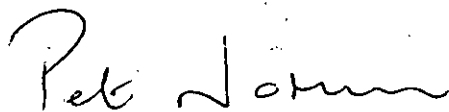
8. Moreover, whereas the grant of permission for individual dwellings here and there on sites such as the appeal site would have no appreciable effect on the supply of land for housing, the integrity and permanence of the Green Belt would be brought into question; in this case there would also be conflict with the policies designed to preserve the natural beauty of the area. I therefore conclude that the shortfall in the supply of land for house building in Dacorum does not outweigh the harm which would be done to the Green Belt and the Area

of Outstanding Natural Beauty if this proposal were to be permitted, and that the very special circumstances needed to justify this inappropriate development therefore do not exist.

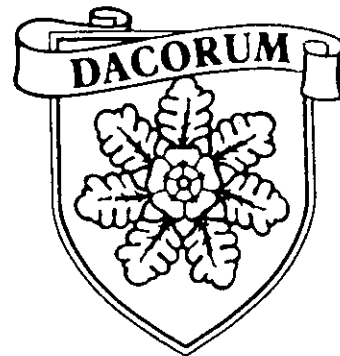
9. In reaching my decision on this appeal I have taken into account the other matters raised, for example the evidence that the site is used by badgers, which are a protected species. This strengthens my conclusion that the appeal should fail, and I find nothing in the representations to outweigh the considerations set out above which led me to that conclusion.

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

Yours faithfully

A handwritten signature in dark ink, appearing to read "Peter Norman". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

PETER NORMAN MA MRTPI
Inspector



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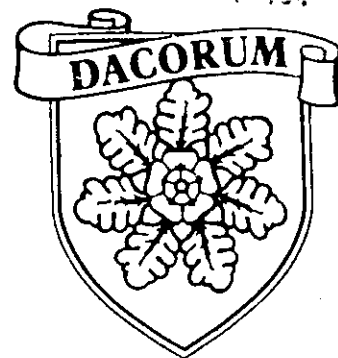
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