



# The Planning Inspectorate

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

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0272-218 927  
Switchboard 0272-218811  
Fax No 0272-218  
GTN 1374

WDA  
2JAM  
3JEB

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL							
Mr and Mrs G J Toth				Ack.		Your Reference:	
Cedar View							
Deer Leap Drive						Our Reference:	
Little Gaddesden						T/APP/A1910/A/92/206246/P8	
BERKHAMPSTEAD							
Herts HP4 1PE				Received 11 SEP 1992		Date: 9/9/92	
Comments							

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1990  
SECTION 78 AND SCHEDULE 6  
APPEAL BY MR AND MRS TOTH  
APPLICATION NUMBER: 4/1237/91

1. I have been appointed by the Secretary of State for the Environment to determine your appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for erection of single storey extensions to existing facilities to provide squash courts and minor associated works, 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 the Parish Council, and many other interested persons, including those made directly to the Council and forwarded to me. I have also noted the 215 page petition containing some 7000 signatures and the comments from both parties regarding the lack of wording upon certain pages of the petition. I inspected the site on 5 August 1992.

2. From my inspection of the appeal site and surrounding area and consideration of the representations, I am of the opinion that the principal issues in this case are, firstly: whether the proposed development would be likely to have an adverse effect upon the Ringshall Conservation Area; secondly, whether the extensions would accord with policies for the protection of the countryside and, if not, whether there are special circumstances in this case for making an exception to those policies and, thirdly, whether the provision of additional facilities is likely to lead to an unacceptable increase in vehicular traffic to the detriment of highway safety or the amenities of nearby residents.

3. The appeal site comprises an irregular shaped parcel of land of some 2.53 ha with a substantial frontage to Little Gaddesden Road, from which visitors approach the existing swimming pool complex. There is a secondary frontage to Northchurch Road (B4506). Erected on the site is a large open air swimming pool which dates from the 1930's. On either side of the pool are single storey buildings containing male and female changing rooms, toilets, office and cafe facility. The pool is set back some 30m from Little Gaddesden Road, from which it is screened by close boarded fencing close to the pool itself. The area between the pool and the road contains a number of mature trees and a small area of hard surfacing which, together with the grassed areas in front of the swimming pool, is used for car parking. The sides of the complex are screened by a mature yew hedge on the northwest and by a yew hedge

in part and by close boarded fencing for much of the length of the pool on the southeast. To the rear of the pool there is a brick retaining wall, beyond which the ground drops away steeply for a distance of some 20m to a mature rhododendron hedge. Beyond the rhododendron are areas of parkland and woodland, including a number of mature trees and hedging screens between the swimming pool and the frontage to Northchurch Road where a new close boarded fence and access gates have been erected. The site is located approximately half a mile from the village of Little Gaddesden, from which it is separated by sporadic residential development comprising mostly mature dwellings standing in their own grounds. You own and occupy a large dwelling (Cedar View) which adjoins the swimming pool complex to the southeast. On the opposite side of the B4506 is the Conservation Area of Ringshall with its mixture of mostly terraced and semi-detached brick and tile cottages. The whole area is surrounded by attractive countryside which forms part of The Chilterns Area of Outstanding Natural Beauty.

4. The Council have referred me to the approved Hertfordshire County Structure Plan (1986) and to the proposed Alterations which were submitted to the Secretary of State in January 1991 and approved by him with modifications in June 1992. Policy 2 contains criteria for the consideration of planning applications which fall within the AONB where the prime consideration will be the preservation of the beauty of the area. Even in the case of the allocation of areas for leisure and recreational purposes, provision for considerable numbers of people will be limited to a very few places of special importance and interest. Policy 47 seeks to protect and enhance the existing settlements and the essential character of the County's urban and rural areas. It is expected that Local Planning Authorities will have regard not only to the impact of individual developments but will also take into account the cumulative effect of development. Policy 52 deals with rural settlements beyond the Green Belt where development will be allowed only where strictly necessary for any proven need for local community services that cannot be met within a settlement.

5. The Dacorum District Plan of 1984 has been superseded for development control purposes by the Dacorum Borough Local Plan Deposit Draft. A Local Plan Inquiry into this Plan commenced in May 1992. Policy 5 of that document sets out the uses which are acceptable within the rural area, wherein the appeal site falls. These include leisure uses which meet a particular proven need of the local rural community. Policy 8 sets out 11 criteria against which all development will be considered with a high standard being expected of all proposals. Policy 67 sets out the requirements of leisure provision, and specifies that provision should be within reasonable distance of the homes of the likely participants and where the impact of the land use on the environment and local amenity is kept to a satisfactory minimum. Policy 68 considers the provision and distribution of leisure space in towns and large villages, whilst Policy 80 addresses the requirement for indoor leisure facilities in large villages, the Green Belt and rural areas. This policy states that such facilities will only be permitted in these locations on a small scale to serve essential needs of the local population. The Chilterns AONB is dealt with under Policy 89 which re-affirms the prime planning consideration of preserving the beauty of the area set out in Structure Plan policy. It also contains guidelines used to determine planning applications for the area.

6. A small part of the application site is located within the boundaries of the Ringshall Conservation Area and, accordingly, it is necessary for me to have regard to the advice contained in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this respect, I have noted the location and special characteristics of the dwellings within the

Conservation Area. There is, however, a considerable distance separating the nearest building within the Conservation Area from the buildings now proposed. A substantial portion of that land is within your ownership and includes mature screening hedges, many of them of evergreen species, together also with a close boarded fence on the Northchurch Road frontage. In these circumstances I have concluded that the proposed development is too remote to have any effect upon the Conservation Area, whose integrity would be preserved in the event that permission were to be granted.

7. On the second issue, I have considered the merits of your case against the policies referred to above. I accept that in general terms financial considerations should be accorded some weight in the planning process. In the subject case, however, I think it would be wrong to attach too much importance to the threat of closure of the existing facilities as a result of the failure to grant consent for the erection of four squash courts, fitness room and other facilities. Equally, however, it is necessary to have regard to the considerable level of support for the retention of the existing facilities as expressed by a large number of persons who obviously welcome the unique open air pool in rural surroundings which are currently on offer. In turn, these must be balanced by the real concerns expressed by nearby residents, the Parish Council and, of course, the District Council that the use of the site throughout the year would be likely to cause nuisance and annoyance and to have an adverse effect upon the rural qualities of the surrounding area.

8. In the application of the policies in the approved Structure Plan, the District Plan and the emerging Local Plan it is necessary to have regard to the fact that an existing leisure facility exists at the subject property. I accept that on pure policy grounds the proposals conflict with a number of the policies to which I have referred. In particular, Policy 80 of the Deposit Draft of the Local Plan states that in the rural areas indoor leisure facilities will only be permitted on a small scale to serve the essential needs of the local population. As the Council point out, the additional facilities envisaged are far in excess of the requirements of the nearby population of some 450 persons. Nevertheless, given the location of the site close to the nearby populations of Berkhamstead, Hemel Hempstead and Tring, from where existing patrons of the swimming pool are attracted, I cannot accept that the site is inappropriately located to provide leisure facilities given the fact that it has provided for the recreational needs of this area for many years, albeit in the summer months only. I have concluded, therefore, that in specific policy terms the proposals are such as to warrant an exception being made. I am, however, concerned in more general terms that the detailed proposals before me would not accord with Structure and Local Plan policies designed to protect the Area of Outstanding Natural Beauty.

9. I am satisfied that the squash courts could be sited to the southwest of the existing pool without detriment to the appearance of the surrounding area given the topography of this part of the appeal site and the existence of mature screening hedges which could be strengthened by additional planting. However, I agree with the Local Authority that the detailed design of the squash courts is too bland with a substantial area of unrelieved brickwork to the southwest elevation for such a sensitive location. My principal concern, however, is that the height and bulk of the replacement changing rooms and the other buildings housing the stores, sun beds, toilets and sauna would be clearly visible from the front of the site and from the road, particularly in the winter months. These buildings would, in my judgement, appear totally unsympathetic and out of character in this sylvan setting.

10. On the second issue, therefore, I have concluded that in principle, given the very special circumstances obtaining in this case, there may be sufficient grounds for overriding policy objections to the proposal. Given,


however, the sensitive location of the site, the detailed proposals before me do not, in my judgement, adequately respect the immediate surroundings.

11. During the winter months the swimming pool is closed and little or no traffic is attracted to the site. The erection of all-year-round facilities would mean that vehicles would visit the premises during the winter months also. I am satisfied, however, that given the location of the site with its access located within 120m of the junction with the B4506 and given the very limited extent of the facilities proposed, the increase in traffic would be insufficient to warrant refusal on this ground. Furthermore, I am satisfied that the required visibility splays could be obtained without the necessity to remove the chain link fence. The removal of possibly one cupressus tree and the re-positioning of the signs advertising the pool in order to achieve the necessary visibility would not have an adverse effect upon the appearance of the property. Likewise, the provision of a limited number of permanent parking spaces using Grasscrete or similar suitable material in a position close to the entrance buildings on the southeast side would not harm the appearance of the area. I am of the opinion that the minimal increase in traffic in the circumstances which I have described above, or the increased use of the facilities, are unlikely to have an adverse effect upon the amenities of any nearby residents.

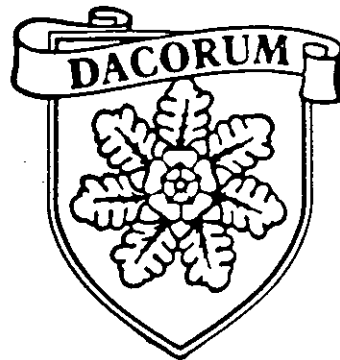
12. I have had regard to the other matters raised in the representations, but none is of sufficient strength to outweigh the considerations which have led to my decision.

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

I am Sir and Madam  
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'R J Maile', with a long horizontal flourish extending to the right.

R J Maile BSc FRICS  
Inspector



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TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/1237/91

Mr & Mrs D J Toth  
Cedar View Deer Leap Drive  
Little Gaddesden  
Herts

S Andrews OTM Architectural  
Pitchers Barn Denham Farm  
Wheeler End  
High Wycombe Bucks  
HP14 3NQ

DEVELOPMENT ADDRESS AND DESCRIPTION  
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Deer Leap Swimming Pool, Ringshall Lt Gaddesden,

SINGLE STOREY EXTENSION TO PROVIDE SQUASH COURTS CHANGING ROOMS AND ASSOCIATED WORKS

Your application for *full planning permission* dated 09.09.1991 and received on 09.09.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 19.12.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/1237/91

Date of Decision: 19.12.1991



1. The site is within the rural area beyond the Green Belt on the Dacorum Borough Plan Deposit Draft, wherein permission will only be given for use of land, the construction of new buildings for agriculture, forestry, mineral extraction, countryside recreation uses or social community, leisure and utility services which meet a particular proven need of the local community. It is an area where primarily open uses should flourish and any built development should be on a small scale to meet the local needs listed above. No such need has been proven, and sufficient alternative facilities (in terms of Sports Council Standards) exist in nearby towns. The proposed development is, therefore, unacceptable in terms of this policy.
2. The Dacorum Borough Local Plan Deposit Draft shows the site to be within the Chilterns Area of Outstanding Natural Beauty, wherein the prime planning consideration of the local planning authority will be the preservation of the beauty of the area and any development which would detract from this beauty would be unacceptable. Wherever development is permitted, it must satisfactorily assimilate into the landscape. The proposed development is unacceptable in terms of this policy, since, whilst it is possible to provide a satisfactory access in terms of highway safety, to do so would adversely affect the visual quality and rural character of the road. The development would also result in a poorly designed building, with bland featureless brick elevations and a large expanse of flat roof of the squash courts which is a totally uncharacteristic feature of the area. Whilst this would, to some extent, be disguised behind a screen of mature vegetation, the visual impact of the proposed development would still be unacceptable. The development fails to assimilate into the landscape and would be an alien urban feature in this sensitive location.