



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref. No. 4/1249/90

Mr J.Cox  
Pampard Kennels  
Gaddesden Row  
Hemel Hempstead  
HERTS

Pickworths  
6 Victoria Street  
St.Albans  
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

Pampard Kennels, Bradden Lane, Gaddesden Row,  
SIX SINGLE STOREY COMMERCIAL UNITS AND ALTERATIONS TO ACCESS

Your application for *full planning permission* dated 04.09.1990 and received on 05.09.1990 has been *REFUSED*, for the reasons set out on the attached sheet(s).

Director of Planning.

Date of Decision: 18.10.1990

(encs. Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/1249/90

Date of Decision: 18.10.1990



1. The site is within a Rural Area Beyond the Green Belt which is the subject of Policy 2 of the adopted Dacorum District Plan and Policy 52 of the Approved Hertfordshire County Structure Plan 1986 Review. In such an area permission will only be given for the use of the 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. The local planning authority is of the opinion that:
  - (a) no such need has been proven and the proposed redevelopment of the site is unacceptable in terms of these Policies;
  - (b) the proposed redevelopment of the site conflicts with the advice of Planning Policy Guidance Note No. 7 where the emphasis is on the reuse and adaption of existing buildings for alternative uses.
2. The adopted Dacorum District Plan and approved Hertfordshire County Structure Plan 1986 Review show the site to be within the Chilterns Area of Outstanding Natural Beauty. Within such an area the policy of the local planning authority is to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development. Notwithstanding the existing appearance of the site, the single storey form of the proposal and the authorised use for kennels and cattery, the local planning authority is of the opinion that the proposal would detract from the character of this sensitive part of the Chilterns Area of Outstanding Natural Beauty as:
  - (a) Bradden Lane is a narrow and winding highway featuring sections enclosed by embankments and high hedging which makes a valuable contribution to the rural character of the Chilterns Area of Outstanding Natural Beauty; therefore, by reason of its natural and rural nature is unsuitable in both width and construction to accommodate the type of vehicles likely to be generated by the proposed use;
  - (b) the provision of sight lines of 2.4 m x 35 m, as shown on drawing No. 142/1 rev D, are inadequate to serve the proposal and therefore the use of the access by commercial vehicles would be likely to give rise to conditions prejudicial to highway safety on this narrow winding section of rural highway: the provision of adequate sight lines would result in the widening of Bradden Lane to the detriment of the visual amenity of its existing character.
3. The redevelopment involving new units would result in a materially different type of commercial use at the site as compared with the previous use of the site for kennels and cattery which is acknowledged to be an appropriate commercial use in the rural area: the scale of the development would result in the urbanization of the site by the introduction of modern industrial buildings and by reason of the nature of increased vehicular movements.

REASONS FOR REFUSAL  
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4. If permitted the proposed development would establish a precedent for other redevelopment and schemes at similar sites, the cumulative effect of which would be gradually to erode the rural character of the district's countryside, a substantial proportion of which is located within the Chilterns Area of Outstanding Natural Beauty where the prime consideration is the preservation of its existing character.
5. The proposal is likely to be detrimental to the amenity of the adjacent dwellinghouses by reason of noise, disturbance and loss of privacy.



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Messrs Pickworths Solicitors 6 Victoria Street ST ALBANS Hertfordshire AL1 3JB					Ack.	
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
Received				5 AUG 1991		
Comments						

Your reference

DSF/RKW/COX

Our reference

T/APP/A1910/A/91/181359/P8

Date

2 AUG 91.

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR JOHN COX  
APPLICATION NO: 4/1249/90

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for small commercial workshop units on land at Pampard Kennels, Gaddesden Row, Hemel Hempstead, Hertfordshire. I have considered the written representations made by you and by the Council and also those made by the Parish Council. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 27 June 1991.
- From what I have seen and read I consider the main issue in this appeal is whether or not the proposed small commercial workshop units would be detrimental to the character of this rural area which is also within the Chilterns Area of Outstanding Natural Beauty.
- The appeal site is in an isolated position on the west slope of a valley which leads down to the A4146 between Hemel Hempstead and Leighton Buzzard. Bradden Lane, which climbs up from the A4146 is very narrow with a sharp bend at the south end. It has banks and hedges on each side and only informal occasional passing places. To the north of the site the lanes are still narrow in parts and wind about in the general direction of Markyate and the village of Flamstead. There is a dwelling adjacent to the site to the north which has a paddock and some stabling at the rear and a bungalow occupied by the kennels' owner close by to the south. The existing access to the kennels is fairly narrow between the roadside hedge. The ground falls away from the road so that the existing buildings, which I accept are in a poor state of repair, are not prominent from the public road but would be seen from the land and woods on the opposite slope of the valley to the east.
- The appeal site is in the rural area beyond the Metropolitan Green Belt. In both the Structure Plan and the adopted Local Plan the policy is to severely restrict development in the rural areas, except for agriculture or other special uses, in order to preserve the character of the countryside. The use of the existing buildings for kennels would seem to me to be appropriate in an isolated area to avoid disturbance to surrounding occupiers from noise. While I accept the existing buildings have little intrinsic architectural merit they are fairly low in profile and generally compatible with many ancillary agricultural buildings. They do not in my view significantly contribute to the rural character of the area as would a group of traditional farm buildings. However, more important is the location of the site in a designated Area of Outstanding Natural Beauty where clearly the contribution of buildings to that beauty is an overriding consideration.

100%



RECYCLED PAPER

5. You have not put forward any special reasons to justify the erection of these small commercial workshop buildings in a rural area except that they would replace the existing unsightly buildings. In open countryside it seems to me that the rural character would be best preserved by having no buildings at all except those essential for activities and work which has to be carried out in the countryside. If alternative uses which are compatible with the countryside cannot be found for existing buildings and if the buildings themselves do not intrinsically contribute to the appearance and character of the countryside to justify their retention, I cannot see this as a reason to allow their replacement with new buildings which would normally conflict with the rural development policies in the relevant development plans. Even the erection of a dwelling for a specialist rural worker in the open countryside would be carefully considered to assess the possibility of it being integrated into an existing settlement. In my view the creation of a mini light industrial or commercial area on what would in fact be a bare site in the countryside has no justification and has no comparison with planning guidance for the conversion of traditional rural buildings of some merit to uses which in isolation may not be appropriate for the countryside.

6. The proposal is to erect 2 L-shaped buildings of brick walls with a series of windows and doors and larger openings, covered with hipped roofs of profiled metal with a fairly shallow pitch. The buildings would be served by areas of hard surface for access and parking and there would be areas for soft landscaping between the buildings and the public road. Considered as a small development in isolation it could be attractive but in the light of its location I take the view that it would be a significant intrusion into this very rural countryside and Area of Outstanding Natural Beauty. Moreover, the intrusion would not only be from the buildings but from the parked vehicles and general activity around the site and the necessary works to improve the access. Even for the achievement of 35 m sightlines virtually the whole of the front hedge would have to be removed and although you say that this would be reinstated further into the site, it would be some years before the present rural character returned.

7. I have already described the narrow formation of Bradden Lane without formalised passing places and it seems to me that the appeal site necessitating the use of this lane for access is inappropriately located for the intended commercial use. I have noted that you assert that considerable traffic was generated by the kennel use but it seems to me that this would be of a different nature to that which could be required to serve the workshops. Consequently I consider that the proposal would generate additional traffic on this and the surrounding narrow lanes which could lead to a diminution in traffic safety.

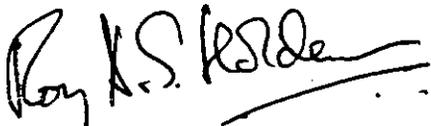
8. Taking into account all the circumstances including the type and form of the workshops and the parking and activity generated on the site which would constitute an intrusion into this rural area, together with the more intensive use of the rural lanes and the necessity to improve the access by the removal of the existing hedge I take the view that the proposal would be detrimental to the character of the rural area within the Chilterns Area of Outstanding Natural Beauty.

9. I have also considered the question of precedent and the loss of amenity for nearby residents. With regard to the former it must be accepted that each case is treated strictly on its own merits. While there may not be other redundant kennels or catteries in the area there may be other sites with redundant buildings where the owner could see an advantage in redevelopment and clearly the approval of this proposal could be used to justify development at other sites in the rural area which could lead to detriment to its overall character. The loss of amenity to nearby residents is somewhat difficult to assess without knowledge of the workshop processes but it seems to me that the occupier of a dwelling in this very rural area would not expect to have nearby a small complex of workshops which could generate activity throughout the day and the movement of traffic along the rural lanes. I therefore consider that the ambience of the countryside in the vicinity could be disturbed by the proposal leading to a loss of amenity.

10. I have taken careful account of all the other matters raised in the representations including your assertion that alternative uses of the existing buildings have been considered but found to be uneconomic, that the proposed replacement buildings are less in floor area than the existing buildings and that the slope of the ground would make the impact of the new buildings seen from the lane of little consequence, but neither these, nor all the other matters raised outweigh in my view the considerations that have led to my decision.

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

I am Gentlemen  
Your obedient Servant

A handwritten signature in black ink, appearing to read "Roy A S Holden", with a horizontal line underneath.

ROY A S HOLDEN DipArch RIBA  
Inspector