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3 MAR 1989

File Ref.
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PLANNING DEPARTMENT					
DACORUM BOROUGH COUNCIL					
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Co.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.
Received					3 MAR 1989
Comments					

Michael Roe and
P O Box 416
ABBOTS LANGLEY
Herts.
WD5 OBD

Your reference:

PA/2/73

Our Reference:

T/APP/M1900/A/88/100708/P5

Date:

-1 MAR 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY A J CATLING ESQ
APPLICATION NO: 4/1313-87

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeal against the decision of the Hertfordshire County Council to refuse planning permission for the importation and deposit of excavated spoil material to level and raise land and fill in all depressions to make land suitable for agriculture, at Widmore Farm, Bradden Lane, Gaddesdon Row. I have considered the written representations made by you and the district and parish councils, and also those made by interested persons. I visited the site on 21 February 1989.

2. The appeal site is part of agricultural land owned by your client, most of which was once a brickworks, reclaimed under a planning permission granted in 1960. Part of the holding lying close to the farmhouse and buildings is poor quality due to the nature of the underlying material, which results in hard materials, bricks and concrete at or near the surface. The ground is uneven, and contains many shallow depressions. Your client proposes to fill the areas which are the subject of the application so that the land is brought to a level with workable soil, and the drainage is improved by encouraging better run off from the surface. In your view the proposal is in the nature of finishing off the reclamation works, in accordance with conditions applied to that permission. I have considered the arguments put forward on the question of whether planning permission is required. The 1960 permission was for the tipping of waste materials into clay pits. Those pits were identified in the permission as numbered 1 to 5. Pit no 1 lay in the centre of the smaller of the two areas which are the subject of this appeal. All other pits lay outside the present appeal site. I do not therefore accept that the present application relates to completion of a proposal which already has planning approval, and accordingly I propose to determine the appeal.

3. The appeal site lies in an Area of Outstanding Natural Beauty, and much of its surroundings can be seen from Bradden Lane, and from a public footpath which crosses the holding to the north west. The farm buildings are surrounded by old building materials and vehicles, and intrude into the landscape. From the buildings a recently constructed rough track runs some 300m into the centre of the land behind the buildings, between the two parts of the appeal site. To the south west of the track a large amount of spoil had recently been tipped and levelled, whilst at the end of the track was a heap of manure which you explained to me was that referred to in the representations as being available for improvement of imported material.

4. The determination of applications for tipping is guided by the policies of the approved Hertfordshire County Structure Plan, and the proposal would, in broad terms comply with the aims of the plan to restore land damaged by mineral works, and could lead to a beneficial after use. Such works should not however give rise to adverse effects on the local environment, and there is a presumption against tipping on open land unless significant agricultural or land drainage improvements would result. Similarly, in the AONB the Structure Plan recognises that agriculture should be encouraged to prosper, but some aspects of the most utilitarian economic advantage may have to be sacrificed.

5. It is therefore my view from all that I have seen and read that the main issues in this appeal are whether the proposal would lead to an unacceptable resurgence of heavy traffic in Bradden Lane, and if so whether this and the effect of tipping on open land in the area of Outstanding Natural Beauty are outweighed by the improvement to the agricultural potential of the land.

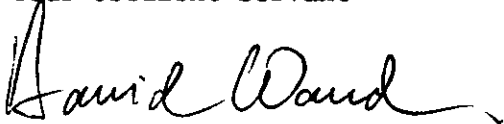
6. Bradden Lane is the only means of access to the site. To the south it connects to a principal road about 2km away, whilst to the north it connects to good standard rural minor roads at Jockey End, some 600m away. The lane is single track, and to the south for much of its length it runs between banks and close hedgerows, with the occasional informal passing place. To the north, the lane winds through a hamlet where several dwellings front directly onto the carriageway. You refer to previous uses of the lane to serve the brickworks and the tipping in more recent times. It seems to me that, whatever its earlier uses, the lane is quite unsuitable for any additional heavy traffic. To accept a development which encouraged heavy vehicles would lead to increased danger, due to the added risk of vehicles meeting head on at the several blind corners in the lane, and due to the lack of space for any other user, even pedestrians, when a heavy vehicle was traversing some parts of the lane. Use by heavy goods vehicles would lead to breaking down of verges and the close hedgerows, and this to my mind would be incompatible with the policies aimed at preserving the natural beauty of the area. I note that you favour use of the southern part of the lane, but if vehicles were to enter or leave by way of Jockey End, they would inevitably cause disturbance for those residents whose dwellings are so close to the carriageway.

7. Your client's aim is to improve drainage of the land, particularly where run off from adjacent land is considered to cause a problem. You explain that underground drains would not be economic and that by raising the level of the land a natural flow of water across it could be achieved. I saw however that the general lie of the land was level. The proposal would not therefore result in any significant surface fall, and run off across it would be unlikely. Indeed, the areas of the site on which it is proposed to tip were relatively dry, whilst the imported material adjacent was waterlogged, even though it had a more even profile and lay above the surrounding land. It may be that eventually natural drainage patterns will establish, but I am not convinced that the proposed works would in the end improve the land, rather than just altering it. In the meantime a scar would be made on the countryside, and the overall unsightly nature of this holding would be further emphasised. It seems inevitable that works would extend outside the areas shown on the application plan, if only as the means of access to the tipping areas. Bearing in mind the evidence in this and earlier appeals is that your client is semi retired, and that the farm is of very small size, I do not consider that the productivity of this land is of such importance either to the viability of the holding or to the national needs for efficient farming that the somewhat dubious benefits of this proposal outweigh the harm, albeit temporary, which would be done to the landscape and to the safety of other road users.

8. I have taken into account all other matters raised in the written representations, including your willingness to accept conditions governing the use. I do not however consider that they would overcome the harm which the proposal would do. No other matters outweigh the planning considerations which have led me to my conclusions.

9 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 cursive script that reads "David Ward". The signature is written in dark ink and is positioned above the printed name and title.

David Ward BSc(Hons) CEng MICE FIHT
Inspector