



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

GTN 1374

PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

Architect Design Associates

Woodcote

Gate End

NORTHWOOD

Middlesex

HA6 3QG

Your reference

Our reference

T/APP/A1910/ A/91/180284/P8

Received

25 OCT 91

Date

24 OCT 91

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MARTIN ANTHONY HUNT AND SHIRLEY ANN HUNT
APPLICATION NO:- 4/1358/90

1. 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 the use of land at ~~Crossways Farm, Nettleden Road, Nettleden for occasional parking spaces for up to 10 unloaded lorries.~~ As the use has already been instituted, I am treating this appeal as an application to continue the use under Section 63(2)(a) of the above Act. I have considered the written representations made by you and by the Council and also those made by the Nettleden with Potten End Parish Council. I have also considered those representations made directly by an interested person to the Council which have been forwarded to me. I inspected the site on 1 October 1991.

2. From the representations made and from my inspection of the site and its surroundings, I have come to the conclusion that the main issues to be decided in this appeal are whether there are very special circumstances sufficient to justify the development as an exception to policies relating to the Green Belt within the Chilterns Area of Outstanding Natural Beauty and secondly, whether the proposal causes harm to highway safety.

3. The appeal site is situated on the south east side of Nettleden Road and together with the dwelling to the south west lies in a valley within attractive open, rolling countryside comprising low lying hills with pasture or cultivated land on the lower slopes and belts of trees capping the higher ground. The site area is given as .28ha but this is only part of the land which has been outlined in red on the submitted plan. The site as a whole is occupied by a dwelling house, 2 Nissen Huts and various outbuildings and sheds together with 2 barns, one of which is the subject of a concurrent application. The Council informs me that the Nissen Huts date back to the last World War and that the larger Hut has an established use for industrial storage. I understand that permission was granted in 1988 for the use of the smaller Nissen Hut for light industrial purposes and the use of the outbuildings as offices. This permission specifically limited the use by condition to shop fitting fabrication only and it appears that storage takes up most of the buildings as much of the assembly takes place elsewhere. The rest of the site, apart from a grassed area near the house, is rough surfaced.

4. The Council states that at the end of 1989 it became aware of the use of Crossways Farm for the storage/parking of lorries and scrap vehicles in connection with the appellants' business. In May 1990 enforcement action was authorised to secure the cessation of the use of the land in connection with a scrap metal business and also to secure the removal of a 4m fence along the north east boundary. The appeal relates to the continuation of the use of land close to the road frontage next to some diesel tanks to park 2 unloaded lorries. The lorries are used in connection with the appellants' car breaking and scrap metal business carried on at Cupid Green, Hemel Hempstead where a yard is rented from the Council.

5. The appeal site lies within the Metropolitan Green Belt and within the Chilterns Area of Outstanding Natural Beauty. Policy contained in the approved Hertfordshire Structure Plan sets out that within the Green Belt permission will not be given for development for purposes other than that required for mineral extraction, agriculture, small-scale facilities for participatory sport and recreation or other uses appropriate for a rural area. Policy contained in the adopted Dacorum District Plan closely follows that in the Structure Plan. In relation to the Chilterns Area of Outstanding Natural Beauty both the Structure Plan and the Local Plan affirm that the preservation of the beauty of the area will be the prime consideration.

6. The Government remains committed to upholding Green Belt policy and I have had regard to Planning Policy Guidance Note 2 which states that there is a general presumption against inappropriate development except in very special circumstances. The parking of 2 lorries in connection with the appellants' business does not fall within any of the categories described in the Structure Plan or Local Plan as acceptable within the Green Belt and I therefore conclude that such use is inappropriate.

7. I understand that your clients need the space to park the lorries occasionally and, according to Mr Hunt's letter, overnight. Mr Hunt states that parking facilities have not been available at the yard in Hemel Hempstead for about 5 years, that lorries have been parked overnight on the appeal site for the last 5 years and that he was unaware of the need for planning permission. The Council responds that the tenancy agreement requires that lorries used in connection with the business should be parked within the Cupid Green site boundaries. The Council further adds that there is an adequate supply of land for industrial purposes within Hemel Hempstead for the appellants to locate their business. I do not consider that the appellants' need to park lorries on the appeal site constitutes the very special circumstances sufficient to justify an inappropriate form of development.

8. It remains to address the question of harm. You assert that the lorries cannot be seen from the road and Mr Hunt, in his letter, states that they cannot be seen from the adjoining property. The hedges along the frontage are high and there is a line of birch trees with some post and wire fencing along the boundary with the adjoining house to the south west. In my opinion the planting along the south west boundary is not sufficient to block the views across the appeal site and I consider that in winter the screening along the frontage will be less effective. The site can also be clearly seen from the higher ground to the east and south east. I have taken account of photographs of the site taken in 1990 which were submitted by the Council and show the use in operation with lorries laden with scrap vehicles. I accept that the proposal refers specifically to unloaded lorries but it seems to me that if consent were to be granted, it would be difficult to monitor the use and control it by enforceable conditions. For these reasons I consider that the proposal is an unacceptable and harmful visual intrusion into this sensitive area.

9. I am also concerned that a consent in this case might well encourage similar applications elsewhere or for the further extension of an inappropriate use on this site if not by the appellants then by future occupiers of the property. In my opinion such applications would be difficult to resist. I consider that a further intensification of such use on this site would be seriously harmful to the visual amenities of the Green Belt and to the attractive character of the Chilterns Area of Outstanding Natural Beauty.

10. The second issue relates to the objection raised by the County Surveyor to the use of lanes in the vicinity of the appeal site by the type of vehicles generated by the proposal. Nettleden Road is narrow with hedges on either side and no footpaths. When leaving the site visibility is poor and is limited to the right by a bend in the road just to the north east of the appeal site. In my opinion, because of its nature, the road is already hazardous for traffic. Although farm vehicles use the road, I consider that the coming and going of lorries associated with the appellants' business adds to these dangers and I conclude that the continuation of the use would be likely to give rise to conditions harmful to highway safety.

11. I have taken account of your assertion that your clients have improved the site and buildings since the property was acquired and are extending the agricultural side of the property but neither these considerations nor any other matter raised in the written representations are sufficient to alter the balance of my conclusions.

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

I am Gentlemen
Your obedient Servant

M. A. Frith

M A FRITH BA DipTP MRTPI
Inspector