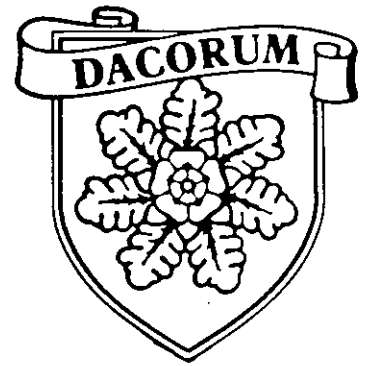


TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref. No. 4/1361/90

Scan-Teriev Ltd
The Spinney
Chipperfield Road
King's Langley
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

The Spinney, Chipperfield Road, Kings Langley,

CHANGE OF USE, OF PART OF GROUND FLOOR RESIDENTIAL TO OFFICES

Your application for *full planning permission* dated 25.09.1990 and received on 26.09.1990 has been *REFUSED*, for the reasons set out on the attached sheet(s).

A handwritten signature in black ink, which appears to read 'Colin Barnard'. The signature is written in a cursive style with a large initial 'C'.

Director of Planning.

Date of Decision: 08.11.1990

(encs. Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/1361/90

Date of Decision: 08.11.1990



1. The site is within the Metropolitan Green Belt on the adopted Dacorum District 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 application site is not within a commercial area as identified on the proposals map of the adopted Dacorum District Plan. To permit the change of use would be, therefore, contrary to Policy 53 of the District Plan which aims to concentrate office use on town centre locations.

2/2/91
Am



**Planning Inspectorate
Department of the Environment**

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PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL GTN 1374

James and Kearns Ltd
The Old White Hart
High Street
Odiham
BASINGSTOKE RG25

Ref		ACK		Your reference	
C.P.O.	I.C.P.M.	D.P.	D.C.	E.C.	Admin.
					File A793
Received		4 NOV 1991		Our reference	
Comments				T/APP/A1910/A/91/182892/P5	
				Date 1 NOV 91	

Madam and Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY SCAN-TERIEUR LTD
APPLICATION NO: 4/1361/90

- As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the change of use of part of a residential home to office accommodation at The Spinney, Chipperfield Road, Kings Langley. I held a hearing into the appeal on 24 September 1991.
- The use had started when the proposal was submitted to the local authority. Accordingly I shall treat the application as one made under Section 63(2)(a) of the 1990 Act.
- The application area referred to in the submitted documents is 2 rooms, a bathroom and a hallway above the double garage. At the hearing and the subsequent site inspection it was apparent that the area under the entrance hall and $\frac{1}{2}$ the garage are used for storage purposes ancillary to the office use. I shall include these additional areas within the scope of the application.
- Part of the grounds of appeal is that planning permission is not required for the office use. However the appeal before me has not been made under Section 64 of the 1990 Act and in my view this matter is not a determining factor in my consideration of the appeal under Section 78.
- There is no dispute that the appeal site is within the Metropolitan Green Belt. Therefore from all I have seen, heard and read on the matter I consider the main issue is whether there are any very special circumstances to overcome the normal presumption against inappropriate development in the green belt.
- The green belt policies in the approved Hertfordshire Structure Plan Review 1988 (Policy 1), the adopted Dacorum and District Plan 1984 (Policy 1) and the deposit draft Dacorum Borough Local Plan 1991 (Policy 3) echo the normal presumption against inappropriate development found in Planning Policy Guidance Note (PPG) 2. Inside the green belt, approval should not be given except in very special circumstances for the change of use of existing buildings for purposes other than agriculture or other uses appropriate to a rural area.
- The office use does not fall within any of the uses specified in either national or local policies, but I have considered the contention that it is appropriate. I accept that the operation is small scale and do not doubt that there are other office uses in the area operating from houses. However it seems to me that green belt policy is aimed at the protection of the rural areas from development which does not need to be located there. Therefore when considering "appropriate" in the context.



of the green belt, the rural needs of the area should be considered and not the accommodation requirements of a business. In the present case the office use is at The Spinney because it is a suitable property which was available at the right price and time. This to my mind does not make the use "appropriate" within the meaning of green belt policy.

8. If the use is not considered "appropriate" there are, you consider, special circumstances in support of the proposal. The appellant company has a long standing connection with Hertfordshire. The operation needs a small office ancillary to living accommodation so that employees can be available to answer phones outside normal office hours. Although 4 people are based at the offices, extensive travel abroad means that there are often less. The majority of other staff do not call at the site, neither is it usual for customers or suppliers to visit the office. This means that there are few car movements to and from the house.

9. Whilst I accept that the appellant company has had offices in other parts of the County for 14 years, The Spinney was only purchased in January 1990 and the office use commenced in February. Therefore there is no longstanding association with the appeal premises. From the evidence before me I see no overriding locational reason why the office should be in the open countryside rather than in the urban area. Although The Spinney provides sufficient space for living accommodation for 2 employees and office requirements for 2 more staff, I believe a similar property within a less sensitive location could equally provide satisfactory space.

10. I appreciate that the 2 offices occupy a floor area of only 53 sq m, but when taking account of the circulation, mess and storage space, this figure is doubled and in total the commercial operation occupies about a third of the house. Four staff work in this area and it seems to me that the commercial use occupies a not insignificant portion of the property. Overall whilst I fully understand the special circumstances I do not believe that they are of sufficient weight to override green belt policy.

11. In my opinion an office use which is unrelated to the rural needs of the area is contrary to the objectives of green belt policy and results in the encroachment of an urban use into the open countryside. I accept that as the business currently operates there is little outward sign of the commercial use, either in increased activity or in the appearance of the property. I further note that you consider it extremely unlikely that the operation will expand. However changes in markets, products and distribution can change at any time and it is difficult to control the effects of such changes by planning condition. In conclusion, I regard green belt policy by itself of enough weight to be an interest of acknowledged importance and the contravention of this policy without sufficient justification a cause of demonstrable harm.

12. The second reason for refusal refers to office location policies in the adopted District Plan 1984. Whilst I accept that the application site is outside a designated commercial area, I note that the policies in the plan predate the approved Structure Plan 1988 and government advice in the PPG's. In this case where I find the objections on green belt grounds of significant weight, I find the non-compliance with commercial policies of less account.

13. I have taken into account all the other matters raised including the former use of the property, the letter in support of the application, the lack of objections from other neighbours, and the outstanding enforcement appeal. Having weighed all these considerations in the balance I find that none are of sufficient weight to dissuade me from my conclusion.

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

I am Madam and Gentlemen
Your obedient Servant



D L BURROWS DipTP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

Miss C M Stellman BSc(Hons) BPhilTP
MRTPI

- Planning Director, James and Kearns Ltd,
The Old White Hart, High Street,
Odiham, Basingstoke.

Mr D Miles

- Director, Scan-Terieur Ltd, The Spinney,
Chipperfield Road, Kings Langley.

FOR THE PLANNING AUTHORITY

Mr P Newton BA Hons

- Planning Officer, Dacorum Borough
Council.

DOCUMENTS

- Document 1 - List of persons present at the hearing.
- Document 2 - Notification of hearing and list of people notified.
- Document 3 - Extracts from Hertfordshire County Structure Plan Review 1988.
- Document 4 - Extracts from adopted Dacorum District Plan 1984.
- Document 5 - Extracts from Deposit Draft Dacorum Borough Local Plan 1991.
- Document 6 - Agents comments on Draft Local Plan Policies on green belt and employment.
- Document 7 - Dacorum Borough Council letter to Scan-Terieur Ltd 17 July 1990.
- Document 8 - Letter from Kings Langley Parish Council 5 October 1990.
- Document 9 - Letter from Mr A McCarthy 23 September 1991.

PLANS

Plan A - 2 Application Plans.