



# The Planning Inspectorate

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PLANNING DEPARTMENT  
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Ref.									
Received	18 SEP 1998								
Comments									
Your Ref.	42698								
Our Ref.	T/APP/A/1910/A/98/294210/P7								
Date:	17 SEP 1998								

Barker Parry Town Planning  
33 Bancroft  
HITCHIN  
Hertfordshire  
SG5 1LA

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6**  
**APPEAL BY G & M WIEDMAN**  
**APPLICATION NO: 4/01407/97/FUL**

## INTRODUCTION

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your clients' appeal against the decision of the Dacorum Borough Council to refuse planning permission for a dwelling to replace a structure destroyed by fire on the footprint of the old building approved for one dwelling on land at Piccotts End Farm, Piccotts End. I conducted a hearing on 25 August 1998.

2. The village of Piccotts End lies about a mile north of Hemel Hempstead town centre. It generally straddles along a single street, running north west to south east, with housing on both sides of it. The village is designated as a Conservation Area, and it is located within a Landscape Conservation Area and within the Metropolitan Green Belt. Piccotts End Farm is an attractive sixteenth or early seventeenth century timber framed house, and its north east elevation is close to the street. It is listed Grade II for its special architectural or historic interest. Around it is a number of former agricultural barns and outbuildings, beyond which are open fields. To the west is the River Gade, and beyond that is the A4146, which bypasses the village. To the south there are fields. To the north west, beyond your clients' fields and some distance from the appeal site, there is a new development of houses around the restored Mill House, which is listed Grade II.

3. The appeal site at present contains a brick single storey former agricultural building, together with its surrounding curtilage, part of which is garden, and the remainder of which is part of a field. This building, which runs broadly east to west, is in use as domestic accommodation. Prior to 1991 there was a large timber framed and timber clad barn attached to the brick building, which ran north to south, and formed an L-shape with the brick building. Both of these buildings, as they were constructed prior to 1 July 1948, and were situated within the curtilage of the listed farm, were treated as listed buildings by reason of Section 1 (5) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. In 1991 the timber framed barn burnt down, and its site is now grassland; the brick building remains, and it therefore continues to be a listed building. Prior to the fire, in 1988,

100%



the Council had granted planning permission for the conversion of both buildings to a residential use, subject to an agreement to use and occupy the dwelling only in conjunction with the farmhouse, and with which it was always to remain in the same ownership. It was agreed at the hearing that this permission had not been implemented, although some works had been carried out to the brick building including plumbing and heating, and also to the timber barn, in terms of preservative treatment of the timber structure.

5. Your clients' proposal is to rebuild completely the timber section of the building, and to convert it into a single dwelling with the brick building, in a similar manner to the previously permitted scheme. The Council have granted listed building consent for the proposed works. Their concerns in connection with the application for planning permission relate to the location of the site within the Metropolitan Green Belt; the effect that the proposal would have on the character and appearance of the Grade II listed farmhouse, the Conservation Area, and the open rural character of the area; and the increased use of the existing substandard access onto Piccotts End. Relevant policies in the adopted Hertfordshire Structure Plan are Policies 1 (vi), 5 and 29. Relevant policies in the adopted Dacorum Borough Local Plan are Policies 3, 8, 21, 49, 91, 100, 109 and 110.

6. Policy 1 (vi) in the Structure Plan refers to the need to safeguard the county's areas of Green Belt. Policy 5 states that there is a presumption against inappropriate development in the Green Belt, and that permission will not be given, except in very special circumstances, for purposes other than those detailed in PPG 2. It refers to the criteria in paragraph 3.8 of PPG 2 regarding the re-use of buildings in the Green Belt. Policy 29 seeks to control development which would generate a significant change in the traffic using rural roads where there is an increased risk of accidents.

7. Policy 3 in the Local Plan relates to development within the Green Belt, and states that there is a presumption against building development unless it is for certain uses, primarily those related to agriculture and forestry. It was not disputed that this proposal does not fall within those uses. Policy 21 states that the replacement of existing dwellings in the Green Belt, including dwellings which have been destroyed, will be permitted, provided that the original dwelling remains in place substantially as built, or it was occupied within the three years preceding the planning application. Policy 100 relates to the conversion or re-use of redundant buildings in the countryside, including that they should be worthy of retention. In the Green Belt, the policy defines listed buildings as being buildings worthy of retention.

8. Policy 8 seeks to achieve a high standard in all development proposals, and sets out a number of criteria against which proposals will be judged. Policy 91 has as its objective the maintenance and enhancement of the character and appearance of landscape conservation areas. Policy 49 relates to development and traffic, and sets out a number of considerations to be assessed in highway terms.

9. Policy 109 aims to retain the character and settings of listed buildings, and Policy 110 seeks to preserve and enhance the established character of conservation areas. These two policies reflect the statutory duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990, and Government advice which is contained in PPG 15, with regard to development affecting listed buildings and conservation areas.

## THE MAIN ISSUES

10. From what I have said above, my inspection of the site and its surroundings, and from the representations made at the hearing and in writing, I consider the main issues in this appeal to be:

1. whether the proposed dwelling would be inappropriate development in the Green Belt, and, if so, whether there are any very special circumstances sufficient to overcome the presumption against such development;
2. the effect the proposed development would have on the character and appearance of the listed buildings, and thus on the character and appearance of the Piccotts End Conservation Area and of the Landscape Conservation Area within which the dwelling would stand; and,
3. the effect the proposed dwelling would have on highway safety arising from the proposed access arrangements.

## THE FIRST ISSUE

11. At the hearing, the Council's witness stated that the 1988 planning permission had been granted on the basis that the unacceptable domestic curtilage, in the Green Belt, had been outweighed by the benefit of the preservation of the redundant listed building. They agreed in principle that there would be no harm, in terms of the openness of the Green Belt, to the rebuilding of an agricultural barn. The harm, in their view, came from the residential uses and the residential curtilage. Your clients' proposal was the result of demolition by accident due to the fire. The conversion of redundant buildings, you stated, was acceptable, as were replacement dwellings in the Green Belt.

12. As the listed timber framed barn no longer exists, it is my view that the proposal does not fall to be considered as the re-use of a redundant building, but as a complete rebuilding of the timber framed barn, with re-use only of the smaller brick building. Furthermore, the planning permission for residential use had not been implemented, and the building had not been occupied as a dwelling within the three years prior to the application. Thus, the proposed development does not come within the particular circumstances of Policies 21 and 100.

13. Advice in PPG 2, at paragraph 3.4, states that the construction of new buildings inside a Green Belt is inappropriate unless it is, for the purposes of this appeal, the replacement of an existing dwelling. Inappropriate development is, by definition, harmful to the Green Belt. Paragraph 3.7 continues that the re-use of buildings should not prejudice the openness of Green Belts, since they are already there. Paragraph 3.8 states that strict control should be exercised over the extension of re-used buildings, and that they should be capable of conversion without major or complete reconstruction. This application is not for the replacement of an existing dwelling. The rebuilding of the barn would represent an extension substantially larger than the existing brick building. Because of the complete rebuilding of the timber framed barn, the proposal as a whole would be a major reconstruction. For these reasons, I consider that the proposal would constitute inappropriate development within the Green Belt, in terms of

national and local policy, and in terms of the advice in PPG 2, and would, therefore, by definition, be harmful.

14. The character of the area is that of open fields adjoining the existing residential curtilage of the farmhouse and the brick building. The addition of the new timber clad building in residential use would, in my opinion, intrude into the rural character and openness of the area, bearing in mind in particular the substantial size of the proposed new building, and its visibility throughout this part of the locality. The loss of open land and the physical impact of the new building, with its inappropriate domestic character and curtilage, would go against the protection of the most important attribute of Green Belts, which is their openness. It would go against the purposes of including land within the Green Belt, including the safeguarding of the countryside from encroachment, and for these reasons the proposed development would be harmful.

15. You drew my attention to the Historic Building Appraisal of Piccotts End Farm, dated February 1998, in your Appendix 3, as a very special circumstance. In that evidence, it was stated that the timber barn and the brick building were constructed between 1843 and 1878. The barn may have been constructed to provide additional storage for increased crop yields, or to house new machinery. The brick building is likely to have been a pig sty. The layout of the farm, it continued, has remained fundamentally unaltered since the mid nineteenth century. You stated that the loss of the timber framed barn impaired the historical entity of the farm, and that to put it back would improve the contextual relationship on the site. The barn had been a listed building, and its reconstruction would enhance the area.

16. The reconstruction of the barn as a residential unit would not recreate the agricultural activity for which the former barn was built. Your client proposes to rebuild it in brick and blockwork with black shiplap weatherboarding, with a roof of old peg tiles or similar, although I note that old oak timbers would be used to echo the interior style of the existing group of buildings. To my mind, it would not be seen as a historic farm building, nor as an accurate replica, but as a modern dwelling, with substantial areas of glazing, curtains at the windows, washing lines and the normal domestic paraphernalia around it. Apart from the roof construction, it is not proposed to rebuild it as a traditional timber framed barn. As a modern construction, it would have little historical veracity, apart from its location and general bulk, to show the original farmyard layout and form. It would not be a contemporary of the other listed buildings, and would not mellow and mature, in my experience, in the way that the former timber framed barn on the appeal site had done, and those that remained, due to its modern method of construction. In my judgement, bearing in mind that Piccotts End Farm is primarily a residential use, with associated stabling and fields for horses, but with little current agricultural activity, I conclude that the reconstruction of the barn as a dwelling would not be a very special circumstance of sufficient weight to overcome the general presumption against inappropriate development in the Green Belt.

## **THE SECOND ISSUE**

17. The appeal site is located at the open edge of the group of listed buildings at the farm, at the boundary between the built up part of the village and the countryside beyond. West of the fields, before the bypass, runs the River Gade, and east of the brick building is a former watercourse associated with the Mill further upstream. There are views of the site from north

and south, although it is screened from the road to the west by tall and dense trees and hedging. The character and appearance of the area, as I have stated earlier, is that of open countryside, which forms the setting of the listed buildings at this point. Notwithstanding the fact that control could be exercised to some extent over residential activities around the proposed development, it would nonetheless be apparent that the new timber clad part of the development, with its large areas of window, was not an agricultural barn but a new residential building, and in my view it would therefore be out of keeping with the rural character, appearance and setting of the listed buildings. Furthermore, your proposal for post and wire fencing would provide little privacy for the occupiers of the dwelling. They would be likely to seek planning permission from the Council for fencing and screening, which it would be difficult to refuse, and which would add to the harmful domestic character of the proposal, and its intrusive nature in the area, in contrast to the attractive open rural character that is evident around the listed buildings and the site at present.

18. You drew to my attention the development at the Mill site, to the north of your clients' land. There were some similarities with your own case, including that much of the original mill building had burnt down, and the Council had permitted its rebuilding, incorporating flats, and some 11 houses around it. The Council's witness stated the they had concluded that the proposed scheme was inappropriate development in the Green Belt, but that the very special circumstances relating to the building outweighed the harm to the Green Belt. In essence, the Mill House and the adjoining mill building were landmark buildings in the Conservation Area. Both had been listed Grade II; the mill building was delisted after the fire. There was a B8 warehouse use on the site. I have noted your client's reservations about the rebuilding, and your own views about the 11 new curtilages in the area.

19. From what I saw at my site visit, I agree with the Council that the Mill House and the attached rebuilt mill are landmark buildings along the village street, and make an important contribution to the character and appearance of the area, and that to achieve that development, a not insubstantial amount of enabling development was provided. In comparison with the proposal before me, the contribution that your clients' barn made to the area was in terms of its agricultural relationships to the farmhouse and the other farm buildings in the group. It would not have been, in my opinion, a landmark building, and was not located along the village street. The loss of the barn has been replaced with open land, which is in character with the rural appearance along this edge of the village.

20. Because it would be uncharacteristic of the traditional farm buildings which form the setting of the farmhouse, it is my view that the proposed dwelling would not preserve the setting of the listed buildings. It would be seen as an alien and inexact copy of the earlier building, without the special qualities that the Council sought to preserve in the former listed barn, particularly due to its modern construction, its domestic use, and its out of keeping glazing, and to that extent it would be harmful to the special historic character and appearance of the listed buildings. Its substantial bulk and visibility in the countryside, outside the built up part of the village along the street, would add to the harm that it would cause to the setting of the listed buildings. For the very same reasons, it would be harmful to the special character of the Piccotts End Conservation Area and the Landscape Conservation Area, which it would neither preserve nor enhance. It follows that the proposal would fail to satisfy the objectives of the adopted policies.

## THE THIRD ISSUE

21. The access onto Piccotts End is close to the north end of the farmhouse, which itself restricts visibility to the south. The Council stated that road is popular in the mornings for southbound traffic travelling from Leighton Buzzard to the industrial area in Hemel Hempstead. In the evenings, drivers preferred to use the bypass. Traffic calming measures had been introduced near the Mill development, but speeds had built up to slightly below 30 mph by the appeal site entrance. The Council's witness continued that the visibility that could be achieved to the south of the access was of the order of 2.4 metres by 7 metres; PPG 13 advises 2.0 metres by 90 metres in these circumstances. You agreed that the visibility was inadequate. Nonetheless, your client had lived at the Piccotts End Farm for 26 years, and had used the junction safely during that period. There is a mirror opposite the access, to enable traffic from the south to be seen.

22. Whilst the majority of the traffic is southbound, and in the morning rush hour, it is, in my view, necessary to move some 1.5 metres into the northbound carriageway to see the oncoming northbound traffic. The steady flow southbound at this time makes it difficult to join the traffic flow to the south. It is likely that the greater use of the access would be in the morning rush hour, when traffic was at its heaviest. Notwithstanding the presence of the mirror, the exit from the site is severely substandard in terms of visibility, and in my opinion likely to be dangerous, for that reason. The proposal is likely to have an adverse effect on highway safety, and would therefore fail to satisfy the adopted policies. Although my concerns in this regard are not of sufficient weight on their own to warrant refusing this appeal, they add to the harm that I have found earlier that the proposed development would cause.

## CONCLUSIONS

23. I therefore conclude that this development would be inappropriate development in the Green Belt. The very special circumstance which you raised is not of sufficient weight to overcome the presumption against such development. The proposed dwelling would not preserve the character and appearance of the listed buildings and their settings, nor, it follows, the character and appearance of the Piccotts End Conservation Area and the Landscape Conservation Area. In addition, the proposed use would be likely to have an adverse effect on highway safety.

24. I have taken account of all the other matters raised at the hearing and in writing. These included the other appeal decisions to which you referred. With regard to appeal ref T/APP/G2245/A/95/260124/P7, although the particular circumstances of the case are not known to me, I note that the brickwork to the fire damaged roundels was intact, and that substantial parts of the oast house remained. The ruined structures, the Inspector found, were detrimental to their surroundings, in view of their prominent location. In allowing the appeal, he imposed a condition that the building shall only be used for agricultural purposes and not for any other purpose including commercial or residential use. None of these factors relate to the appeal before me. With regard to appeal ref T/APP/W9500/A/93/431736/P5, the Inspector concluded, on a site not within a green belt, that the proposal, for the reconstruction of part of the previously demolished outbuildings and their conversion to a dwelling, should be granted planning permission as an exception to policy, as it would retain the character and

appearance of the group of buildings of which it is part. From my reasons above, that is not my own conclusion with regard to your clients' appeal. I have found no evidence that would outweigh the considerations which have led me to my decision.

## DECISION

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stuart M Reid', with a horizontal line underneath.

STUART M REID D Arch (Hons) RIBA  
Inspector

## APPEARANCES

### FOR THE APPELLANTS

Mrs Gaenor D Parry  
BA (Hons) Dip TP MRTPI

Appellants' agent

Mr G Wiedman

Appellant

### FOR THE LOCAL PLANNING AUTHORITY

Mrs Jane E Custance  
BA (Hons) MRTPI

Senior Planning Officer  
Dacorum Borough Council

Mr C K Fulbrook  
BA Dip TP Dip Arch Cons  
B Th (Hons) MRTPI IHBC

Head of Conservation  
Dacorum Borough Council

Mr M J Bishop

Head of Highways Agency  
Dacorum Borough Council

## DOCUMENTS

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| Document 1 | List of persons present at the hearing.   |
| Document 2 | Notes on work to the appeal building put in by Mr Wiedman.  |
| Document 3 | Copy of a coloured print of Kingsmill, Piccotts End, put in by Mr Wiedman.  |
| Document 4 | Copy of an article from The Daily Telegraph of 20 August 1998 put in by Mr Wiedman.                                       |
| Document 5 | Copy of a letter from Hertfordshire County Council dated 2 September 1993 relating to Abbott Tyres, put in by Mr Wiedman. |

## PLANS

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| Plan A/1 and A/2 | Application Plans dwgs nos. W8/4B, ground floor plan and elevations, and W8/3B, first floor plan and elevations. |
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# PLANNING

Civic Centre Marlowes  
Hemel Hempstead  
Herts HP1 1HH

MR R H STUBBINGS  
SEPTEMBER COTTAGE  
LEVERSTOCK GREEN ROAD  
HEMEL HEMPSTEAD  
HERTS

Applicant:  
G & M WIEDMAN  
PICCOTTS END FARM  
PICCOTTS END  
HEMEL HEMPSTEAD  
HERTS  
HP1

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01407/97/FUL

PICCOTTS END FARM, PICCOTTS END, HEMEL HEMPSTEAD, HERTS, HP1  
DWELLING

Your application for full planning permission dated 03 September 1997 and received on 16 September 1997 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 26 November 1997

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01407/97/FUL**

Date of Decision: 26 November 1997

- 1. The site is within the Metropolitan Green Belt on the adopted Dacorum Borough Local Plan wherein there is a presumption against built development. 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 inappropriate development in a Green belt and unacceptable in the terms of this policy. No evidence has been put forward to demonstrate the very special circumstances which must exist in order to override normal Green Belt policy objections.**
- 2. The erection of a dwelling in this location, with its associated domestic curtilage and paraphernalia, would prove severely injurious to the character and appearance of Piccotts End Conservation Area, the setting of Piccotts End Farmhouse, a Grade II listed building, and the open rural character and amenity of the area in general. The development would, therefore, be contrary to Policies 3, 8, 91, 109 & 110 of the adopted Dacorum Borough Local Plan.**
- 3. The increased use of the existing substandard access onto Piccotts End is likely to give rise to conditions prejudicial to highway safety.**