



Planning Inspectorate
Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218

927

Switchboard 0272-218811

GTN 1374

Mr C P Stanbridge
 14 Lyme Avenue
 Northchurch
 BERKHAMSTED
 Herts
 HP4 3SG

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL					
Ref.	Ack.				
C.P.O.	T.C.P.M.	D.P.	D.C.	E.C.	Admin.
28 FEB 1991					
Received					
Comments					

Your reference

9007

Our reference

T/APP/A1910/A/90/157992/P8

Date

27 FEB 91

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPEAL BY THE EXECUTORS OF MR W RAYMENT DECEASED
 APPLICATION NO: 4/1415/89

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 conversion of the swimming pool building at "Easden House", Hollybush Close, Potten End into ancillary living accommodation for occupation by staff. I have considered the written representations made by you, by the Council and by the Parish Council. I inspected the site on 21 August 1990.
2. The appeal site lies within the Green Belt contained in the approved Structure Plan, the boundaries of the Green Belt having been defined in this area in the adopted Local Plan. Within the Green Belt there is a strong presumption against granting permission for the construction of new buildings or for the change of use of existing buildings except where required for agriculture or forestry or for other specified purposes. None of these exceptions has any relevance to the circumstances of this appeal. It therefore appears to me from my consideration of all the representations made and from my inspection of the site that the main issue in this appeal is whether the particular circumstances of the case are sufficient to warrant an exception being allowed to the normal presumption against such further development in the Green Belt.
3. The appeal property is a large detached house, lying at the northern end of a cul-de-sac and adjoining open countryside. The house stands within extensive grounds on the southern fringe of the Chilterns Area of Outstanding Natural Beauty, and there are extensive views over open rolling countryside to the north. Close to the house and linked to it by a small terrace stands a swimming pool building. The appeal proposal is to convert this building into single-storey living accommodation for staff, with storage below in what would become a basement area. The exterior of the building would remain basically unchanged, apart from the addition of a new entrance door on the front elevation.
4. When the application was originally made to the Council, it was sought to justify the conversion on the basis that the applicant was seriously ill and required staff close at hand. However, the applicant died soon after permission was refused, and it is now explained that his widow, wishing to remain in the house, would still require staff to be resident in order to look after the house and the extensive grounds. There would be no intention of creating an independent living unit. However, I cannot accept that these circumstances could by themselves justify

an exception being made to normal Green Belt policy, since the case for wanting resident staff could no doubt be repeated all too often in the Green Belt.

5. However, I think there are certain exceptional features in this case. To begin with, the existing building is already there and is sited very close to the main house. It would be possible, as the plans show, to carry out this conversion in such a way that the building would look virtually the same as it does now. It is difficult to see how in that case the conversion would directly conflict with the main objectives of the Green Belt, providing it were not turned into an independent dwelling unit, nor how there could be any detriment to the character and appearance of the area. Furthermore, whilst strictly speaking the swimming pool building could not be regarded as redundant, it is clearly not going to be used for that purpose, and it seems to me that its conversion to a useful purpose ancillary to the main house would come at any rate within the general spirit of the Government's advice upon the re-use of redundant buildings in the Green Belt.

6. I have therefore decided that it would be proper to grant permission on this appeal as an exception to the general Green Belt presumption. I have however only come to that conclusion in the light of the particular circumstances put forward, and I would not have been prepared to grant permission for the establishment of an independent living unit in this building, since this would have directly conflicted with the overall Green Belt policy and also because the creation of a separate curtilage with all that that would entail would have detracted significantly from the character and appearance of this fringe of the Area of Outstanding Natural Beauty. I am therefore taking the exceptional course of imposing a specific condition linking the occupation of this additional living accommodation to the residential use of the main house. I do not think that the other condition suggested by the Council is necessary, since this does not amount to the creation of an independent dwelling and therefore does not confer any additional rights under the Town and Country Planning General Development Order 1988.

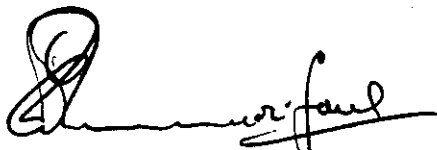
7. I have considered all the other representations made, but in my opinion none is of sufficient weight to affect my conclusions.

8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the conversion of the swimming pool building at "Easden House", Hollybush Close, Potten End, into ancillary living accommodation for occupation by staff, in accordance with the terms of the application No 4/1415/89 dated 22 August 1989 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.
2. The living accommodation hereby permitted shall not be used otherwise than as ancillary to the residential use of the main dwellinghouse known as "Easden House" and shall not be occupied as an independent dwelling unit.

9. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Sir
Your obedient Servant



G E EDMONDSON-JONES LLB LMRTPI Solicitor
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr W Rayment
Easden House
Hollybush Close
Potten End, Herts

Mr C P Stanbridge
14 Lyne Avenue
Northchurch
Berkhamsted, Herts

..... Conversion of swimming pool building to form
..... living accommodation
.....
at ... Easden House, Hollybush Close, Potten End


Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 22.8.89 and received with sufficient particulars on 22.8.89 and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:—

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. In the opinion of the local planning authority, the personal circumstances of the applicant are not sufficient to justify the proposed development as an exception to this policy.

Dated 19th day of December 19 89

Signed..... 

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of the date of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment; Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.169 of the Town and Country Planning Act 1971.