



The Planning Inspectorate

LP

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987 8927
Switchboard 0117-987 8000
Fax No 0117-987 8769
GTN 1374-8927

Bell Cornwell Partnership
Oakview House
Station Road
Hook
Hampshire
RG27 9TP

Your Ref:

AH/2694

Our Ref:

T/APP/A1910/A/97/281891/P8

T/APP/A1910/E/97/813570/P8

Date:

Recd 5 NOV 1997

APP

D.P.

D.C.

-6 NOV 1997

Dear Sirs

Comments

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
AND PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT
1990 SECTION 20 AND SCHEDULE 3
APPEALS BY ROSSWAY PARK ENTERPRISES
APPLICATION NOS: 4/1457/96 AND 4/1458/96**

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the decisions of the Dacorum Borough Council (1) to refuse an application for planning permission and (2) to refuse an application for listed building consent for change of use from redundant agricultural building to B1 office use, including general reconstruction, at Home Farm, Rossway Park, Berkhamsted. I have considered all the written representations made by you and by the Council and also those made by the Wigginton Parish Council and English Heritage directly to the Council and forwarded to me. I inspected the site on 18 September 1997.

2. The appeal site encompasses an old agricultural building together with a small open area on its south side. The site lies on the east side of a courtyard which is flanked on its north side by Home Farmhouse, which is a listed building, and on its south side by a converted barn which is also a listed building. On the west side of the courtyard is a single storey building which has been referred to as part of a dairy. You state that a single storey building occupied the open part of the appeal site until 1989. The site forms part of the Rossway Park country estate and lies within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty.

3. The small barn on the appeal site is attached to an old brick wall which is in turn attached to the listed barn and encloses the east side of the courtyard. In these circumstances I have treated the small barn as forming part of the curtilage of the listed barn. I have noted that your clients' scheme provides for the demolition of the small barn

and for the erection of a new building on its site which would extend along the appeal site to join up with the converted barn. Both you and the Council have referred to the demolition of the barn, but I take the view that it would better be described as an alteration to the listed building, in accordance with the House of Lords judgement in the recent case of Shimuzu (UK) Ltd v Westminster City Council.

4. From the representations made and from my inspection of the site and its surroundings I consider that the main issue in appeal (1), which relates to the planning application, is whether the proposal would result in an appropriate form of development within the Green Belt. In appeal (2), which relates to the listed building application, I consider that the main issue is the effect which the proposed works would have on the listed barn and its setting, and also on the setting of the listed farmhouse.

5. I deal first with appeal (1). The development plan for the area comprises the Hertfordshire Structure Plan, incorporating approved alterations, 1991 and the adopted Dacorum Borough Local Plan. Policy 1 of the structure plan provides that within the countryside of the Green Belt planning permission will not be given except in very special circumstances for development other than that required for the purposes of mineral extraction, agriculture, small scale facilities for participating sport and recreation, or other uses appropriate to a rural area. Policy 3 of the local plan contains a presumption against building development in the Green Belt except in connection with agriculture, forestry, mineral extraction, open area recreation or other uses appropriate to a rural area. The policy also allows for the appropriate re-use of some redundant buildings and for very small scale building in the Green Belt where this is necessary to sustain an acceptable use, as well as development within selected small villages.

6. These development plan policies largely reflect national policy regarding Green Belts is set out in Planning Policy Guidance 2 (PPG2). This states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and advises that the visual amenities of the Green Belt should not be injured by proposals for development. It also advises that the construction of new buildings within a Green Belt is inappropriate, except in very special circumstances or in connection with certain specified purposes. These purposes are the same as those listed in the development plan policies, with the exception of very small buildings necessary to sustain an acceptable use.

7. You have suggested that the proposals could be assessed in terms of the re-use of a building in the Green Belt. It is, however, clear to me that the proposal involves the removal of the small barn and the erection of a new single storey office building along the east side of the courtyard, connecting to the existing office accommodation in the

converted barn. New buildings for office use are not a type of development deemed by the relevant planning policies to be appropriate in the Green Belt. You have stated that the new building is intended for employment use in connection with the existing business use, but I find no evidence to suggest that the building is necessary to sustain an acceptable use for which Policy 3 of the local plan makes allowance.

8. The scheme involves replacing the existing barn, which to my mind has a very pleasing rural character and traditional, utilitarian appearance consistent with its original function as a barn, with a new building which in my opinion has a somewhat mundane character and domestic appearance, due to its domestic-scale windows and glazed door and side screens. The loss of the pleasing old barn and its replacement with this mundane modern building would, I believe, result in the settings of the listed buildings and the appearance of this particular part of the Green Belt would be harmed. Furthermore, although I acknowledge that the proposals would not diminish the openness of the Green Belt, I share the Council's concern that the development would intensify the commercial use of the site, with the additional traffic movements serving to detract from the rural character of the Area of Outstanding Natural Beauty and the Green Belt.

9. I therefore find that the proposal would result in an inappropriate and harmful form of new development in the Green Belt, contrary to the provisions of the development plan and the advice in PPG2. I now turn to the matter of whether there are very special circumstances to justify allowing the proposal as a form of development not normally appropriate to the Green Belt. However, I can find nothing in the representations to suggest that such circumstances apply to this case. I have also considered whether it would be possible to use planning conditions to overcome the shortcomings of the scheme. However, it seems to me that the scheme is so seriously flawed in terms of its proposal to construct an inappropriate new office building in the Green Belt that it would not be feasible to utilize conditions to achieve this end.

10. Turning to appeal (2) which relates to the listed building application, I am required under Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed barn, its setting and any features of special architectural or historic interest which it possesses. Policy 109 of the local plan provides that alterations to listed buildings should be appropriate to their scale, proportion and appearance and seeks to retain the settings of listed buildings. National policy concerning historic buildings is set out in Planning Policy Guidance 15. This emphasizes the importance which the Government attaches to the protection of the historic environment, and paragraph 2.14 of the document advises that the design of new buildings intended to stand alongside historic buildings needs very careful consideration.

11. I have already stated that I consider the small barn on the appeal site to be a pleasing rural building. In my opinion it is a prominent feature of the courtyard and clearly seen from the adjoining road; as such it provides a notable and salient part of the listed barn and its setting, and also of the setting of the listed farmhouse. You have submitted an engineer's report which concludes that the condition of the small barn is so poor that it is now only feasible to demolish the building before it eventually collapses. While I do not disagree with the findings of the report, this does not alter my view as to the importance of the barn as an intrinsic part of the listed building and its setting. While I have noted that the Council's officers did not object to the design of the proposed office building itself, I take the view that its mundane design and domestic character does not respect the sensitive nature of its setting or the essentially rural character of the small barn which it would replace. Consequently I have concluded that the proposal would serve to harm rather than to preserve the character of the listed building and its setting, as well as the setting of the listed farmhouse, and thus conflicts with the aims of the legislation and planning policies to which I have referred.

12. I have taken account of all other matters raised including your references to the officer's report to the Council's committee, but I do not find these to be of such weight as to override the considerations which have led to my conclusion. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

Yours faithfully

TERENCE POVEY

TERENCE N POVEY BA BArch MA FRTPI RIBA MIMgt
Inspector