



# The Planning Inspectorate

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DA AN CB

Mr Andrew Haynes  
141 Point Clear Road  
St Osyth  
CLACTON ON SEA  
Essex  
CO16 8JB

Your Reference:

Our Reference:  
T/APP/A1910/A/95/249848/P8

Date: 15 AUG 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990  
SECTION 78 AND SCHEDULE 6  
APPEAL BY MR A MATHERS  
APPLICATION NUMBER: 4/1465/94

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ack.						
OSP	TCPM	DP	DC	BC	Admin.	File
Received				16 AUG 1995		
Comments						

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 horticultural shed and horticultural equipment lock-up on land adjoining Niton, Hogpits Bottom, Flaunden, Herts. I have considered the written representations made by you and by the Council and also those made by the Parish Council and interested persons including those made directly to the Council and forwarded to me. I inspected the site on 2 August 1995.

2. The appeal site comprises an almost square parcel of land which slopes downwards towards Hogpits Lane close to the crossroads junction with Flaunden Lane and Birch Lane. It is separated from Birch Lane by a small parcel of land, averaging some 10m in width which has been recently cultivated. The appeal site is grassed, has an area of approximately 0.15ha and, at the time of my site visit, was being used for grazing. To this end there was a small van body on wheels and one small semi-permanent wooden shelter. There were two tractors on the land, including a Fordson with four furrow plough. Access to the site is by means of a concreted apron and gate adjoining the boundary with Niton, a post-war detached bungalow next door. The site is in open countryside to the north of the village of Flaunden within an area of mixed pre and post-war sporadic development known as Hogpits Bottom.

3. From my inspection of the appeal site and surrounding area and consideration of the representations, I am of the opinion that the principal issue in this case is whether the erection of a horticultural shed and tractor store would comprise appropriate development within the Green Belt and if so whether the building, if permitted, would be likely to harm the appearance of the surrounding countryside.

4. Policy 1 of the Hertfordshire County Structure Plan Review defines the Green Belt boundaries and sets out the basis of development control within such areas to accord with Government policy, notably that in PPG 2. Policy 47 seeks to protect and enhance the essential character of the County's urban and rural areas. Local Planning Authorities will have regard not only to the impact of the

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individual developments, but will also take into account the cumulative effect of proposals.

5. The Dacorum District Plan was adopted in 1984, and is now replaced by the Dacorum Borough Local Plan which was formally adopted by the Council on 12 April 1995. Policy 3 relates to the Green Belt, wherein there is a presumption against building development. There are a limited number of exceptions, including that related to agriculture or other open uses appropriate to a rural area. Policy 8 requires a high standard in all development proposals which should retain and not adversely affect important landscape and, in the Green Belt and rural areas, be located in a suitable landscape setting or well related to an existing group of buildings. Policy 24 of the earlier Dacorum District Plan states that in all rural areas the Council will have particular regard to the protection of important views and will seek to minimise the impact of development on the countryside. Policy 26 relates to new agricultural buildings, which should normally be located within existing farm complexes and should be designed with regard to external appearance, scale, materials and any existing buildings. Paragraphs 2.9 to 2.11 of the District Plan state that the District Council will seek to support agriculture and forestry by exercising careful control over development proposals. They will also seek to make use of opportunities to secure improvements to the landscape, particularly in those areas around the main towns and along the A41 Corridor which are visually damaged or at risk from further encroachment. The preservation of areas of open countryside is another important function of the rural policies.

6. The site is within the Metropolitan Green Belt. Within such areas, the use of land for the purposes of agriculture, horticulture and allotments are considered to be appropriate uses. However, whilst in general terms development associated with such uses is acceptable, Policy 3 requires that within the Green Belt very small scale buildings which are necessary to sustain such acceptable uses will only be permitted provided that they have no adverse impact on the character, function and appearance of the Green Belt. Furthermore, Paragraph 3.15 of PPG 2 states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of the Green Belt, might be visually detrimental by reason of their siting, materials or design.

7. An agricultural or horticultural use of the land, or its use for other open purposes specified in both the Structure Plan and Local Plan policies referred to above, may be appropriate within the Green Belt. However, it is also necessary to consider whether there is any overriding need for the building and whether its erection would be likely to have an adverse impact on the visual amenities of the area. In advising the Borough Council upon the application, the County Land Agent was concerned that the present enterprise is clearly in its infancy. He suggested that there was no reasonable requirement for a building at the present time and that some form of temporary store, such as that currently on site, would be more appropriate. I have noted your comments regarding the housing of the tractor and the storage of animal feedstuffs. However, it seems to me that there is no proven need for a building of the type and size proposed to serve such a small parcel of land.

8. I noted during my site visit that there is a hedge/tree belt along the front boundary which would provide a measure of screening from Hogpits Bottom. Nevertheless, the building would be visible from nearby dwellings, from the access gate and possibly from Birch Lane and other public vantage points nearby. In my opinion such a structure, including a substantial concreted area for access for tractors, would be likely to have an adverse impact upon the appearance of this part of the Green Belt. The proposals would introduce a substantial two storey structure into a prominent corner plot which has hitherto been open and largely unused. Such a structure would, to my mind, be detrimental to the appearance of this vulnerable

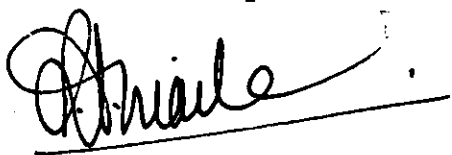
part of the Green Belt contrary to the advice in Policy 3 of the recently adopted Local Plan and to Government policies for the protection of the Green Belt from unnecessary development.

9. I have noted your comments and supporting evidence regarding past vandalism, theft and wilful damage. These, however, are insufficient grounds for permitting the erection of a substantial permanent structure to secure such a small-scale use of this land. In arriving at my decision I have disregarded the comments made by various parties regarding the question of land ownership.

10. I have had regard to the other matters raised in the representations, but none is of sufficient strength to outweigh the considerations which have led to my decision that consent should not be granted.

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

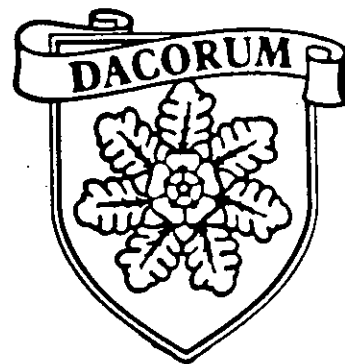
Yours faithfully

A handwritten signature in dark ink, appearing to read 'R J Maile', is written over a horizontal line.

R J Maile BSc FRICS  
Inspector

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/1465/94

Mr A Mathers  
13 Curtis Way  
Berkhamsted  
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

Land Adjacent to "Niton", Hogpits Bottom, Flaunden

ERECTION OF AGRICULTURAL BUILDING

Your application for *full planning permission* dated 14.11.1994 and received on 16.11.1994 has been **REFUSED**, for the reasons set out on the attached sheet(s).

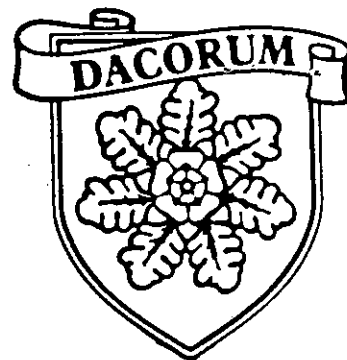
Director of Planning

Date of Decision: 16.02.1995

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/1465/94

Date of Decision: 16.02.1995



1. The application site is located within the Metropolitan Green Belt on the adopted Dacorum District Plan and Dacorum Borough Local Plan - Deposit Draft, wherein permission will only be given for use of existing buildings for agricultural or other essential purposes appropriate to a rural area. Given the low key nature of the existing enterprise and the limited amount of activity which a holding of this size can support, it is not considered that the proposed horticultural shed is reasonably necessary for the purposes of agriculture within the unit. In these circumstances the proposed development is unacceptable in terms of Green Belt policy.
2. The proposed horticultural shed, due to its height, position, bulk and design, would appear intrusive within the locality to the detriment of the rural street scene.