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Your reference

88/283

Our reference

T/APP/A1910/A/88/107783/P4

Date

13 APR 89

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR ROBIN FOSTER
APPLICATION NO: 4/1469/88

DISMISSED

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 outline planning permission for the erection of 2 detached dwellings at Flaunden Lane/Venus Hill, Flaunden, Hertfordshire. I have considered the written representations made by you and by the council and also those made by Bovington Parish Council and interested persons. I inspected the site on Friday 10 March 1989.
2. The 2 appeal sites, each of which is said to be approximately 850 m² are parts of a larger piece of land which is described as a nursery some 2 hectares (4.95 acres) in area located on the east side of Flaunden Lane between its junctions with Venus Hill and Water Lane. Access to the 2 sites is apparently intended to be from a point near the southern end of the nursery's frontage on Flaunden Lane and will be achieved by altering the existing field type access to the area.
3. The appeal sites and the nursery itself lie within the London Metropolitan Green Belt as defined in the approved Hertfordshire County Structure Plan and the adopted Dacorum District Plan. Within this Green Belt there is strong presumption against new developments. From reading the representations and my inspection of the site and its surroundings, I consider the main issue in this case is whether there are reasons peculiar to this appeal which justify overriding the general presumption against development which is an inherent feature of the green belt policy contained within these Plans.
4. The extent of the 2 appeal sites are not clearly delineated on the ground but appear to lie within small areas of grassland which would allow the dwellings to be constructed without the need to remove any of the existing trees. With the exception of these 2 areas the whole of the nursery site appeared to have been completely covered with trees and shrubs until relatively recently. This is borne out by reference in the representations to possible illegal felling of trees on the site and which is apparently under investigation by the Forestry Commission.
5. The County Surveyor has requested that certain conditions should be attached to any planning permission that might be given. These include visibility splays of 2.4 m x 35 m in each direction at the point of egress from the site on to Flaunden

Lane. This would not be possible with the access point in its present location as the land to the south is not owned by your client. It would be possible to relocate the access point more centrally within the 110 m or thereabouts frontage which the nursery has with Flaunden Lane. Construction of the access and sight lines wherever located on your client's frontage would however necessitate the clearance of existing trees and shrubs.

6. You have not put forward any reasons why your client requires 2 units of residential accommodation on the site. The letter from Milton Hutchings Limited suggests that the site at Venus Hill with residential accommodation, would be suitable to meet their needs and that your client is known to their Managing Director but that could apply to very many more sites throughout the area, some of which would undoubtedly be much more suitable. Apart from that part which has already been cleared, the area of land which it is suggested could become the nursery is currently quite densely covered with trees and shrubs. From the information contained in the representations it appears very uncertain whether or not your client will be permitted to fell the remaining trees to form the nursery or whether he may even have to replace those already felled. That being so it would be premature if not quite inappropriate to grant planning permission for dwellings associated with a project which may never materialise. In the event of your client's land becoming a nursery it would still be necessary to provide clear evidence for needing 2 units of residential accommodation on the site rather than in nearby existing settlements.

7. After taking into account all the other matters raised in the representations I am of the opinion that they are insufficient to outweigh the considerations which have led me to my decision.

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

I am Sir
Your obedient Servant



D C DAVIES BSc DLC CEng MICE MStructE FCI Arb
Inspector