

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/1482/91

Mrs Wakefield, Mrs Boulter
C/o G Pead Primrose Lodge
Dry Street, Basildon
Essex
SS16 5ND

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DEVELOPMENT ADDRESS AND DESCRIPTION
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Water End Filling Station, Leighton Buzzard Road, Hemel Hempstead

REPLACEMENT FILLING STATION WITH SALES SHOP AND CAR WASH

Your application for *full planning permission* dated 27.10.1991 and received on 05.11.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

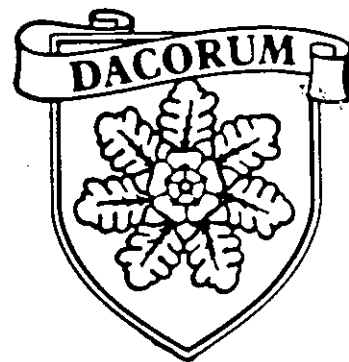
Director of Planning

Date of Decision: 06.02.1992

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/1482/91

Date of Decision: 06.02.1992



1. 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. The proposed development is unacceptable in the terms of this policy.
2. The proposed development would, by virtue of the building, canopy and other works proposed and by the intensification of use of the site, cause harm to the character and appearance of the site and its environs which lie within a Landscape Conservation Area.
3. The proposed development is incompatible with the Council's policy for the maintenance and enhancement of the nature conservation interest and setting of the Gade River Valley.
4. A lack of suitable existing facilities has not been proven such as to justify the provision of the proposed facility outside a town or large village.



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Handwritten notes:
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2) AM
3) C/S

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL											
Mr Gregory Pead Primrose Lodge Dry Street BASILDON Essex SS16 5ND					Ack.			Your reference Our reference T/APP/A1910/A/92/203137/P8 Date 16 OCT 1992			
					DP	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
					Received 19 OCT 1992						
					Comments						

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MRS P M M WAKEFIELD & MRS G V BOULTER
APPLICATION NO: 4/1482/91

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 in respect of an application for a replacement filling station with sales shop and car wash on land at Water End Filling Station, Leighton Buzzard Road, Water End, Hemel Hempstead, Hertfordshire. I have considered the representations made by you and by the Council and also those made by the Great Gaddesden Parish Council and the Water End Preservation Society and the Hertfordshire County Council and interested persons, including those made directly to the Council and forwarded to me. I inspected the site on 5 June 1992.

2. From my inspection of the site and its surroundings, and my consideration of the representations, I have come to the conclusion that the decision in this case turns upon firstly, whether any very special circumstance exists which justifies setting aside the presumption against development within the Green Belt, and secondly, whether it would harm the appearance of the Green Belt.

3. On the first issue, The County Structure Plan, together with the adopted Dacorum District Plan, and the emerging Deposit Draft Dacorum Borough Local Plan, sets a presumption against development in the Green Belt except for the purposes of agriculture and forestry. These Plans reflect the advice in Planning Policy Guidance 2. Hence I consider them to be of considerable weight. The appeal site lies in the Metropolitan Green Belt, and the proposed development is not required for the purposes of agriculture and forestry. I have therefore concluded that the replacement filling station does not comply with those local and national policies which seek to preclude development within the Metropolitan Green Belt.

4. You maintain that very special circumstances exist which justify setting aside of the presumption against development within the Green Belt. The first of these is highway safety, in that the easterly access of the filling station lies dangerously close to a bend. Further, due to the distance between the pumps and the access, vehicles queue on the highway. To my mind, approaching vehicles have adequate vision of vehicles either slowing to enter the site, or emerging from it. In addition, as the Council are prepared to



permit some redevelopment, I consider that this hazard could be eliminated by resiting the pumps within the existing curtilage.

5. The second circumstance is that Policies in the Development Plan permit the provision of roadside fuel facilities within the Green Belt. Planning Policy Guidance No. 13 (PPG 13) indicates that a minimum distance of 12 miles between petrol stations on primary routes is reasonable. The site lies some 2 miles from facilities in Hemel Hempstead. As this is less than the minimum distance between petrol stations set down in PPG 13, I am unable to accept that there is an exceptional circumstance that justifies the development of a filling station here. I appreciate that there is an existing station, and that the Deposit Draft of the Dacorum Borough Local Plan largely relates to new petrol stations. However, as it would be rebuilt on undeveloped land, and have three islands, each of which could have several pumps, I consider that it would be a significantly enlarged facility on a new site. I have therefore concluded that it would equate to a new facility.

6. To sum up, I have reached the conclusion that there are no very special circumstances which justify setting aside the presumption against development in the Metropolitan Green Belt. However, for the proposed development to be unacceptable, I consider that it would also have to harm the character or the purposes of the Metropolitan Green Belt. Turning first to the purposes of the Green Belt, to my mind, the proposed reconstruction would not run counter to any of those purposes set down in Planning Policy Guidance 2. However, this does not render the proposed filling station acceptable if it harms the appearance of the Metropolitan Green Belt.

7. On the second issue, the site is unsightly, that to my mind, it harms the appearance of the Metropolitan Green Belt. Thus I appreciate why the Council will accept a limited reconstruction of the facility. However, the proposed reconstruction would result in undeveloped land set in a prominent position being developed. Further, the petrol station would probably take the form of a large canopy, a substantial shop, and a bulky car wash. By virtue of their size, materials and form, they would, in my opinion, form a dominant and alien feature in a very attractive landscape. I have therefore concluded that the proposed development would inflict unacceptable harm upon the character and appearance of the Metropolitan Green Belt.

8. I accept that double skin petrol tanks will safeguard plants and wildlife in the locality. However, these tanks could be provided with the modest redevelopment that the Council have indicated would be acceptable. In addition, the run off from the car wash could be very harmful to nature conservation, and should not be authorised unless it is convincingly demonstrated that all of it may be contained within the site.

9. I have considered all other matters raised, including the appeals relating to petrol filling stations in other counties which you drew to my attention, and I find that none of these is of such import as to override the conclusion on the major issues that have led to my decision.

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

I am Sir
Your obedient Servant,

Geoffrey S. S. Lane

GEOFFREY S S LANE, DiplArch DiplTP RIBA MRTPI
Inspector