

DCC. Report 10/4/80.

7/12/80 by h. Hitt
DTS.



Departments of the Environment and Transport

Eastern Regional Office

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TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
146	19 MAR 1980
Your reference RWS/BH	DATE
Our reference APP/5252/A/79/06547	
Date	

Messrs Last, Suddards and Co
Solicitors
128 Sunbridge Road
BRADFORD
BD1 2AT

19 MAR 1980

17 MAR 1980

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36
APPEAL BY THE TRUSTEES AND DEACONS OF NORTHCHURCH BAPTIST CHURCH
APPLICATION No. 4/1523/78

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr W D Woodall, FRICS, FRTP1, who held a local inquiry into your clients' appeal against the decision of the Dacorum District Council to refuse planning permission for the erection of a church and ancillary buildings on land off New Road, Northchurch, Berkhamsted, Hertfordshire. A copy of the report is enclosed.

2. The Inspector said in his conclusions:

"It seems to me, irrespective of any clarification of Policy No 2 in the Structure Plan that may be necessary, that a decision in this case turns primarily on whether the proposed development would be appropriate on this site, and relate satisfactorily to the town of Berkhamsted/Northchurch, in an area where special concern is felt for the need to restrain urban sprawl and for the protection of the countryside and, if not, whether the needs of the Northchurch Baptist Church are of sufficient strength to outweigh these objections.

* As a starting point I have considered the proposed development against the background of the provisions and policies of the approved Town Map and the Structure Plan. In my opinion the appeal site is located in a particularly sensitive position on the fringe of an urban area which contributes to the main purposes of a green belt, as set out in Circular 42/55, of checking the unrestricted sprawl of built up areas, preventing the merging of settlements, and safeguarding the surrounding countryside from encroachment.

It seems to me that there has not been any major building development in the vicinity of the appeal site since the appeal against refusal of planning permission for residential development on this site was dismissed in 1963. I accordingly find no reason to disagree with the conclusions of the Inspector at that time. In my opinion the appeal site remains outside the established residential areas of the town.

I find no reason to question the inclusion of the appeal site in the Metropolitan Green Belt in the Draft Dacorum District Plan.

Notwithstanding the fact that churches are common-place in small rural settlements, I am not persuaded that the proposed development would be appropriate in this edge of town location and fall within the meaning of the word.

"or other uses appropriate to a rural area" in Policy No 2 of the Structure Plan. From the evidence before me it seems to me that the proposed development is required to serve primarily the residents of an urban area. I accordingly do not consider it would be appropriate to a rural area. In this connection I prefer the guidelines in the publication "Green Belts" which gives examples of the types of uses of land and buildings which must of necessity be located in a Green Belt. In my opinion a church does not fall within any of these categories.

Whereas I find no reason to question that the proposed development would be most carefully designed and landscaped, I am not persuaded that this would be sufficient to overcome the fundamental objection to urban sprawl, and the need to protect the character and appearance of the countryside, in this area.

Notwithstanding the careful thought that has clearly been given to the future needs of Northchurch Baptist Church, I am not convinced that these needs constitute exceptional circumstances sufficient to overturn the compelling planning objections to the proposed development on the appeal site.

I have reached the conclusion that the proposed development would neither be appropriate on the appeal site nor relate satisfactorily to the town of Berkhamsted/Northchurch. On balance I consider the long-standing presumption against general building development on the appeal site should prevail.

The Inspector recommended that the appeal be dismissed.

3. Subsequent to the Inquiry, you wrote to the Inspector on behalf of your clients requesting clarification of Policy No. 2 in the approved Hertfordshire Structure Plan in relation to this appeal. The effect of paragraph 3 of this Policy, which originates from the recommendations in MHLG Circular 42/55 on Green Belts, is a presumption against development in the Green Belt, except in very special circumstances, whether for the construction of new buildings or the change of use or extension of existing buildings, for purposes other than the limited exceptions stated in the Policy (ie agriculture, small scale facilities for participatory sport and recreation, other uses appropriate to a rural area) or, in certain circumstances, the use for hospitals or similar institutional purposes of existing large residential buildings situated in extensive grounds. It follows, therefore, that a new building may be permitted in the Green Belt, having regard also to the other Policies in the Plan, if it is considered that its use would fall within any of these categories. It is regretted that there is a misprint in your copy of the Secretary of State's modifications to the Plan. There should, of course, be a comma after ".... special circumstances" at the end of line 2, paragraph 3 of Policy No. 2.

4. The Secretary of State agrees with the Inspector's conclusions and notes his recommendation. Since the Inquiry the correspondence referred to in paragraph 3 above has been received and also a letter dated 29 January 1980 from the Dacorum District Council. This further information, which has been copied to the parties, has been taken into account by the Secretary of State pursuant to Rule 12(2) of the Town and Country Planning (Inquiries Procedure) Rules 1974 but he is not as a result disposed to disagree with the Inspector's recommendation.

5. Accordingly therefore the Secretary of State has decided to accept the Inspector's recommendation and he hereby dismisses your clients' appeal.

I am Gentlemen
Your obedient Servant

L G CLIFFORD
Authorised by the Secretary of State
to sign in that behalf

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM
 IN THE COUNTY OF HERTFORD

The Trustees and Deacons of
 Northchurch Baptist Church,
 To c/o Mr. T. Jones,
 'Bryn Hyfryd',
 New Road,
 Northchurch,
 BERKHAMSTED, Herts.

Church and Ancillary Buildings

at ... Land off New Road, Northchurch.

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 10th November, 1978, and received with sufficient particulars on 13th November, 1978, 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 an area without notation as defined in the approved Development Plan and is similarly defined in Hertfordshire 1981 Planning Objectives and Policies, where it is intended to permit only such development as would be appropriate within the neighbouring Metropolitan Green Belt. Within the approved Green Belt it is the policy of the Local Planning Authority not to permit development unless it is essential for agriculture or other genuine Green Belt purposes, or unless there is some quite outstanding reason why permission should be granted. No such need or special circumstances are apparent in this case. Furthermore, the proposed development does not comply with Policy 2 of the submitted County Structure Plan Written Statement in which it is the Local Planning Authority's policy to retain a green belt extending over the whole of the rural county wherein there is a general presumption against development which will only be accepted whether for the construction of new buildings or the change of use or extension of existing buildings when the development is essential in connection with agriculture or clearly needed for recreation or other use appropriate to the rural area concerned.

Dated 4th day of January, 19 79...

Signed.....

Designation Director of Technical Services.

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.