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Mr & Mrs G T6th
112 High Street North
DUNSTABLE
Beds
LU6 1LN

Your reference			
Out reference			
T/APP/A1910/A/90/156332/P8			
Date			
28 AUG 1990			
24 AUG 90			

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/1688/89

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for 2 dwellings on land at Deer Leap Swimming Pool, Ringshall, Little Gaddesden, Berkhamsted. I have considered the written representations made by you and by the Council and also those made by the Little Gaddesden Parish Council, the Rural Heritage Society, the Hertfordshire Conservation Society and other interested persons. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me. I inspected the site on 30 July 1990.
2. From the written representations and from my inspection of the site and its surroundings I consider the main issue in this case is the effect of the proposed development on the appearance and character of the neighbourhood having regard to local land use planning policies.
3. I have carefully considered your representations concerning the financial non-viability of the privately-owned commercial swimming pool on the site, and the local support for its closure. However you do not need planning permission to close the swimming pool enterprise, and it is open for you to take this course of action should you choose to do so. Your planning application is for the construction of 2 dwellings on land partly occupied by the swimming pool, and my consideration of your appeal is based only on the planning merits of this proposal.
4. The appeal site lies within the Rural Area Beyond the Metropolitan Green Belt as defined in the approved (1986) Hertfordshire County Structure Plan Review. It is also located within the Chilterns Area of Outstanding Natural Beauty. Of particular relevance to your proposal are Structure Plan Policies 2, 47, 49 and 52, which seek to protect the appearance and character of rural areas, particularly within the Area of Outstanding Natural Beauty, by concentrating needed residential development within defined centres of existing residential development, and restricting residential development elsewhere to that meeting specified rural needs. The appeal site is not within any such defined centre, and therefore I consider the policies of development restraint are applicable.
5. The adopted Dacorum District Plan interprets Structure Plan policies at local level. District Plan Policies 3 and 4 seek to protect the character and appearance of the rural area by restricting residential development to towns and specified settlements, other than for uses appropriate to the rural area. These uses are defined as meeting the needs of agriculture, forestry, leisure and rural service

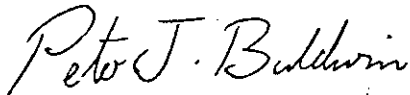
needs, and of defined special housing needs. No such special circumstances are put forward in this case, and I conclude that your proposal is contrary to development control policies in reasonably up to date approved Structure and adopted District Plans.

6. I have considered whether the circumstances of your application are such as to justify an exception to the strict application of the relevant development control policies. I have taken account of the present appearance of the site, and the character of the surrounding area of Ringshall. Although it would be possible to provide some screen planting to the 2 dwellings, the residential character of the site would be obvious by virtue of the partial views of the buildings that would be available from the frontage road to Little Gaddesden, from Beacon Road, and to a lesser extent from the B4506 when approaching from Ashridge. In my opinion your proposal would represent consolidation of the present sporadic development in Ringshall, and further urbanisation of this essentially rural area, to the serious detriment of the appearance and character of this part of the Chilterns Area of Outstanding Natural Beauty. I consider that to allow the proposal in these circumstances would establish a precedent prejudicial to the objectives and application of policies intended to preserve the character and appearance of this rural area.

7. I have taken account of all other matters raised in the representations, including your personal circumstances but find none to be of such weight as to alter my conclusions on the main issue.

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

I am Sir and Madam
Your obedient Servant



PETER J BALDWIN BSc CEng FICE FIHT MBIM
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

SG



DACORUM BOROUGH COUNCIL

To
Mr & Mrs G J Toth
112 High Street North
Dunstable
Beds

..... Two dwellings. (outline).....
.....
at Deer Leap Swimming Pool, Ringshall, Berkhamsted
.....

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 datedundated..... and received with sufficient particulars on13 October 1989..... and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:—

- (1) The site is within a rural area beyond the 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. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
- (2) The adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of this policy.

Dated ... 30th day of November 19 89

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.