

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.~~THE DISTRICT COUNCIL OF~~~~IN~~ THE COUNTY OF HERTFORDTo W J & M Mash
Torrington Farm
Grove Lane
Bovingdon
HertsIMPORTATION AND DEPOSIT OF WASTE TO FORM BUND
.....
.....
.....at BOVINGDON AIRFIELD, BOVINGDON, HERTS.
.....
.....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 dated19th. December.1991..... and received with sufficient particulars on14th. April.1992..... and shown on the plan(s) accompanying such application..

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

See attached Schedule of Reasons numbered 1 - 5.

Dated 6th day of November 1992

Signed..... J. J. Bells.....

Designation HEAD OF RESTORATION, MINERALS
AND WASTE PLANNING

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 SW1A~~). 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.

* Department of the Environment
Tollgate House
Houlton Street
Bristol
BS2 2DJ

SCHEDULE OF REASONS FOR REFUSAL ATTACHED TO REFUSAL OF
PLANNING PERMISSION FOR DEPOSIT OF WASTE MATERIAL
TO FORM BUND, BOVINGDON AIRFIELD, CHESHAM ROAD,
BOVINGDON. NUMBERED 1-5

APPLICATION NUMBER 4/1702-91

1. The development is unnecessary as existing provisions for security of the site, in the form of a 2 metre high fence and hedgerow are adequate.
2. The proposal is excessive in its size and form in terms of the purpose is proposed to serve.
3. The proposal is contrary to the provisions of Policy 1 of the Hertfordshire County Council Structure Plan Review Incorporating approved alterations 1991, being development within the Green Belt which is not within a specified settlement, very special circumstances have not been made out and the development is not for the purposes of mineral extraction, agriculture, small scale facilities for participatory sport and recreation, or other uses appropriate to a rural area, and does not involve large residential buildings.
4. The proposal is contrary to the provisions of Policy 23 of the Hertfordshire County Council Structure Plan Review Incorporating Approved Alterations 1991 which states that the County Council will only permit the disposal of waste provided that:
 - i) disposal of waste restored land severely damaged by mineral or other works or form part of a scheme for mineral working and subsequent site restoration.
 - ii) completion of disposal activities leads to an appropriate and beneficial afteruse of land.
 - iii) disposal does not give rise to unacceptable adverse effects on the local environment or adversely affect the interests of landscape conservation, nature conservation and archaeology.
 - iv) screening and landscaping of the site is carried out in advance of and during operations and there is prompt and effective restoration of all disposal areas and there is a general presumption against the tipping of waste materials on all open land except where the local planning authority is satisfied that significant agricultural or land drainage improvements or landscape enhancement will result.
5. The amount of HGV traffic generated by this type of activity is unacceptable as it gives rise to conditions prejudicial to highway safety and environmentally damaging to the village of Bovington.

TJB

6th November 1992



The Planning Inspectorate

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

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Bristol BS2 9DJ

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H.C.C. APPEAL INDEX No. 229/93

8H0 WIRELAND

Newspace Designs
Unit 1
Portland Industrial Units
Kingsway
LUTON
Bedfordshire
LU4 8HA

Your Ref: NSD/BA/1

2007 267 91

Our Ref:
T/APP/M1900/A/93/223122/P5
T/APP/M1900/A/93/223123/P5

Date:

21 JUL 1993

APPEAL DISMISSED

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEALS BY W J & M MASH
APPLICATION NOS: 4/1702-91 & 4/0834-92

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the decisions of the Hertfordshire County Council to refuse planning permission in respect of applications for:

A. a proposed bund to conceal the "pits area" of an existing banger racing track; and,

B. the retention of a landscape bund;

both on land at Bovington Airfield, Chesham Road, Bovington. I have considered the written representations made by you and by the Council and also those made by Bovington Parish Council, Chiltern District Council, Dacorum Borough Council and Buckinghamshire County Council including those made directly to the Council which have been forwarded to me. I inspected the sites on 22 June 1993.

2. Both appeals concern the construction of bunds using imported waste material. I propose to refer to the appeals as A and B throughout this letter. Appeal A relates to a proposal for a bund to the south-west of a former runway about 450m from the south-western boundary of the disused airfield, whilst Appeal B concerns a bund adjacent to that boundary.

3. Appeal B follows an application for the retention of an existing bund and I saw, at my site inspection that a bund of between 2.0m and 2.5m in height and about 200m in length has been constructed in the position shown on the application plan. I saw, however, that the bund next to the runway has also been constructed in the position shown on the application plans relating to Appeal A. This bund is about 170m long, 15m

wide and has a height of between 3.5m and 4.5m. The latter application did not refer to the retention of an existing development and I cannot deal with it under Section 63 of the Town and Country Planning Act 1990. I propose, however, to deal with Appeal B under this provision.

4. A further point arises from the fact that each development is substantially complete. The Council's fifth reason for refusal of each application concerns the amount and type of traffic that would be generated by each proposal, and its effect in environmental and highway safety terms, particularly upon the nearby village of Bovington. However, as the bulk of the required material, for either bund, is already in position, I do not consider it necessary to deal with this particular reason for refusal in these instances.

5. The appeal sites lie within the Green Belt, the planning policy for which is set principally by the approved Hertfordshire County Structure Plan 1991 Review (HCSP). Policy 1 defines the extent of the Green Belt and sets out the types of development which may be appropriate within it. The categories of development equate to those advised in Planning Policy Guidance Note 2 "Green Belts". Neither the formation of screening mounds or waste disposal in itself is including in the categories identified as appropriate for a Green Belt location in either document. Additionally Policy 23 of the HCSP concerns waste disposal; four criteria are to be met before waste disposal may be permitted, the first of which is that disposal should restore land severely damaged by mineral or other works. Neither appeal site falls within the terms of this criterion. Furthermore, Policy 23 contains a presumption against the tipping of waste on all open land except where significant agricultural or land drainage improvements, or landscape enhancement would result. The appeal sites both occupy open land and no justification in relation to any of these exceptions is claimed.

6. On the basis of the above understandings, and from the written representations, and my inspection of the sites and their surroundings, I consider that the main issue in each case is whether there are any very special circumstances which would justify a grant of permission contrary to the Council's restrictive policies in respect of both waste disposal and inappropriate development within the Green Belt.

7. In respect of Appeal A, the circumstances put forward in support of the proposal are that the bund would screen the pits area of a banger racing circuit from houses to the south-west and west. A similar, although lower, bund was erected to the east of the racing circuit, which occupies part of the former runway to the south-east, following a grant of planning permission in 1986.

8. You state that the houses from which the pits area would be screened by the bund are Chapel Cottage, Whelpley Ash Farm and White Cottage. However, these properties are situated at

distances in excess of 350m from the nearest part of the bund, and mature vegetation close to each house effectively screens views between them and the bund, save for two first floor windows at Whelpley Ash Farm. In such circumstances the benefits of either visual or acoustic screening would, in my opinion, be negligible. Moreover, the development which would be screened is not permanent, as no planning permission for the circuit exists and banger racing is therefore only allowed to take place on 14 days each year.

9. Turning to Appeal B, the justification put forward is that the bund would discourage use of the land by gypsies and other squatters, and would provide a firm boundary line, supplementing the existing fence and tree line. You also state that it is your clients' intention to extend such bunding along the whole frontage of the site, which I have taken to mean the south-western boundary of the former airfield, bordering the B4505 Chesham Road.

10. At my inspection I saw that the existing tree line to the west of the bund comprises a thick belt of mature deciduous trees and overgrown hedgerow, with a general height of between 3.5m and 4.0m. In my opinion, supplementation of this vegetation to form a firm boundary line is unnecessary, and indeed the bund is scarcely visible through the undergrowth from the road. With regard to the remaining justification, there is no evidence before me that suggests that this area of land is prone to unauthorised occupation but, in any event, legislation is available to combat such a threat and physical obstruction in the form of permanent development is unnecessary.

11. In both cases the suggestion is made that planting on the bunds would enable the developments to become landscape features. In my view, however, the creation of alien artificial bunds in an otherwise flat and open landscape causes considerable visual harm, which could not be repaired whatever planting took place on the slopes or top of the bunds. Furthermore it is clearly your clients' intention to undertake further developments of this nature and approval of either proposal would be likely to encourage other planning applications for inappropriate and harmful constructions in this part of the Green Belt, which the Council may then find difficulty in resisting.

12. My conclusion on the main issue is, in each case, that there are no very special circumstances which would justify a grant of permission contrary to the Council's restrictive policies in respect of both waste disposal and inappropriate development within the Green Belt.

13. I have taken into account all other matters raised in the representations but they do not outweigh the considerations that have led to my conclusions on the main issue of these cases.

14. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

Yours faithfully

Martin Joyce

MARTIN JOYCE DiTP MRTPI
Inspector