TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/1726/91

Mr & Mrs E N Cheadle
Further Felden,Longcroft Ln
Hemel Hempstead
Herts

Collett Design
17 Collett Road
HEMEL HEMPSTEAD
Herts
HP1 1HY

DEVELOPMENT ADDRESS AND DESCRIPTION

Further Felden, Longcroft Ln, Hemel Hempstead

ERECTION OF RADIO MAST

Your application for ***full planning permission (householder)*** dated 31.12.1991 and received on 31.12.1991 has been ***REFUSED***, for the reasons set out on the attached sheet.

Director of Planning

Date of Decision: 13.02.1992

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/1726/91

Date of Decision: 13.02.1992

The site lies within the Metropolitan Green Belt wherein development will normally only be permitted for development related to agriculture, forestry or other uses appropriate to the rural area. The proposed development is contrary to this policy. In addition, the aerial will be clearly visible from nearby lanes and longer distance views and will be an intrusive feature in the rural landscape.

The Planning Inspectorate

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

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1) DN
2) AM
3) BB

Mr and Mrs E N Cheadle
Further Felden
Longcroft Lane
Felden
HEMEL HEMPSTEAD
Herts
HP3 OBN

Your Ref:

Our Ref: T/APP/A1910/A/92/209219/P8

Date: 26 NOV 1992

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: 4/1726/91

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 planning permission for an additional radio mast in the rear garden (screened by trees) for amateur radio enthusiast on land at "Further Felden", Longcroft Lane, Felden, Hemel Hempstead. I have considered the written representations made by you and by the Council, and by the Radio Society of Great Britain, including those made to the Council and forwarded to me. I inspected the site on 29 September 1992.

2. After visiting the site and studying the representations, I have decided that the main issues in this appeal are firstly whether the use is appropriate within the Green Belt; secondly whether the appearance of the Green Belt would be harmed by the proposal; and thirdly whether there any very special circumstances sufficient to outweigh any harm identified.

3. The site lies within the Metropolitan Green Belt as defined by the approved Hertfordshire Structure Plan Alterations 1990 which, echoed by the adopted Dacorum District Plan and the Deposit Draft of the Dacorum Borough Local Plan, repeats the well established presumption against inappropriate development within the Green Belt.

4. Policy 103 of the draft Borough Local Plan provides criteria for assessing the effect of electronic communications apparatus on the visual amenities of the area, including the size of the proposed structures and their relationship with the buildings, landform and landscape of the vicinity.

5. On the first issue, aerials and other electronic communications apparatus are not amongst uses specified in national and local policies as normally appropriate to Green

Belts, so I see the proposal as inappropriate in this location.

6. Your garden, within which the aerial would be constructed, lies on the edge of a group of houses in substantial mature gardens, and adjoins open countryside. A mast previously approved by the Council, which your plan shows to be 18.3 metres high, already stands in the garden. The appeal proposal involves the construction of a second mast, shown on the plan to be 24.4 metres high, to be used to support one or two aerials.

7. I found the existing mast to be visible from Longcroft Lane beside the garden, over the boundary hedge and through the gate near the tennis court. The horizontal aerials on the existing tower, although above the normal line of sight of the casual walker, seemed to me somewhat out of place among the mature trees and garden around it.

8. The existing mast is otherwise only visible from places accessible to the public from Footpath No 112, north west of the garden. I found that the appearance of the mast was softened by distance in its setting surrounded by mature trees, and did not find it obtrusive in the landscape.

9. The proposed mast would be closer to the trees on the eastern side of the garden than the existing mast. Although when seen from the Lane, the top of the mast would appear above the trees, generally these would mask or provide a backdrop for the mast. The screening effect of the trees would diminish in the winter months, but a number of them are oaks whose dense twig structure would provide a screening effect even when out of leaf. From Footpath 112 the mast would appear close to the existing mast and would not materially increase the visual impact.

10. Drawing together my conclusions on the second issue, I consider that the second mast would have limited visual effects because of screening by the surrounding trees, and would not significantly add to the effect of the first mast. The extent of harm to the appearance of the Green Belt would in my view be limited. Furthermore, I see no conflict with the criteria of Policy 103 of the draft Borough Local Plan.

11. On the third issue, I note your argument that your hobby has educational and experimental roles. Paragraph 12 of Planning Policy Guidance Note 8 'Telecommunications', notes that applications for masts used by amateur radio operations present few potential planning problems in terms of size and visual impact over a wide area. The same paragraph comments that such applicants will generally have less scope for using alternative sites or for sharing sites, and masts will often need to be located on the premises. You also point out the inconsistency of the approval of the existing mast and refusal of a second. In my view government policy on amateur radio

masts and the Council's previous approval of a mast on the site are special circumstances which tell in favour of the proposal.

12. I now draw together my conclusions on this appeal. In view of the Council's previous approval of a mast on the site, the limited visual impact of a second mast over and above what already exists, and the government advice that I quote above, I have concluded on balance that there are very special circumstances in this case which outweigh the limited harm to the appearance of the Green Belt that I have identified, and justify the grant of permission.

13. I therefore propose to allow your appeal subject to conditions. The Council has suggested no conditions and I see the need only to impose the standard time condition. The Council is concerned about the establishment of a precedent, but my conclusions are based on the particular circumstances of the appeal proposal, and other applications would have to be considered on their merits by the Council. I have taken into account all other matters raised in the representations but find nothing to lead me to alter my conclusions on the planning merits of this proposal.

14. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the construction of a radio mast on land at "Further Felden", Longcroft Road, Felden, Hemel Hempstead, in accordance with the terms of the application (No 4/1726/91) dated 31 December 1991 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

15. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Sir and Madam
Your obedient Servant

C. J. Greenhill

C J GREENHILL BA(Oxon) MPhil DMS MRTPI
Inspector