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**CHIEF EXECUTIVE
OFFICER**

30 SEP 1988

File No. *20. 30/9*
Refer to

Pickworths Solicitors

37 Marlowes
HEMEL HEMPSTEAD
Hertfordshire
HP1 1LQ.

30 SEP 1988

Your reference:

DSF.LRW.COX

Our reference:

T/APP/A1910/A/88/094048/P5

Date:

27 SEP 88

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY JOHN COX
APPLICATION NO:-4/1739/87

1. As you know 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 for the erection of two detached dwellings at Pampard Kennels, Bradden Lane, Gaddesden Row. I have considered the written representations made by you and by the Council, and also those made by Great Gaddesden Parish Council and other interested parties. I inspected the site on 12 September 1988.

2. The appeal site is on the south-east side of Bradden Lane north-east of its junction with the A4146 Hemel Hempstead-Leighton Buzzard main road. The front of the site is occupied by vacant stables and cattery buildings to the north of an access drive, and by disused kennels and an ancillary office to its south. The rear of the site, which slopes steeply down to a valley bottom to the south-east, is free of development. To the south west is a detached part single-storey, part two-storey detached house, "Pampard", while to the north east is "Bucklands Field", constructed as a pair of semi-detached two-storey houses but now used as a detached dwelling. There is no other development in the immediate vicinity of the appeal site which is set in open hilly countryside.

3. From my inspection of the site and its surroundings and the written representations I consider that the main issue in this appeal is whether the proposed dwellings would harm the character and appearance of this predominantly rural area which lies within the Chilterns Area of Outstanding Natural Beauty, bearing in mind that there are existing buildings on the site.

4. Policy 2 of the adopted Dacorum District Plan restricts planning permission in rural areas beyond the Metropolitan Green Belt except in very special circumstances. No arguments are advanced that the proposed houses are required for the supervision of viable agricultural enterprises or in connection with outdoor participatory leisure. There are, however, buildings on the site and their replacement is seen as the main justification for the erection of dwellings on this site. The present structures, though not particularly attractive, are small scale single-storey buildings which occupy a relatively small part of the site. Use of all the appeal site from Bradden Lane to the valley bottom for residential purposes would expand the area of land in urban use.

Moreover, in my opinion, the authorised use for kennels and as a cattery can be acceptable in a rural area where the number of people adversely affected by noise and smells is limited. I appreciate that the number of traffic movements associated with the current use would be significantly greater than vehicle trips generated by two houses and that access to the premises along a narrow country lane is not ideal. However I do not consider this to be an adequate reason to permit housing in the open countryside contrary to the adopted policy for the area.

5. Similarly I do not accept the arguments that residential development on this site would represent infilling in keeping with its surroundings. The dwellings on either side of the site are isolated and housing in place of the kennel buildings would consolidate sporadic development on a prominent hilltop site within the Chilterns Area of Outstanding Natural Beauty. The provision of further buildings if the present operation is to remain on a more commercial footing, or the question of alternative uses of the existing buildings or the site as a whole, are matters which would need to be the subject of further planning applications. However I am firmly of the opinion that the existence of buildings on this site is insufficient reason for allowing additional housing in attractive open countryside for the reasons advanced above.

6. In reaching my conclusions on this appeal I have taken careful account of all the matters raised in the representations but do not consider these to be of sufficient weight to alter my decision.

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

I am Gentlemen
Your obedient Servant

J. Currie

I W CURRIE BA MPhil ARICS MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To J Cox Esq
Pampard Kennels
Gaddesden Row
Herts

D Clarke
47 Gravel Lane
Hemel Hempstead
Herts

Two dwellings (outline)
at Pampard Kennels Bradden Lane Gaddesden Row

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 12.11.87 and received with sufficient particulars on 13.11.87 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 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.

Dated 22nd day of December 1987

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.