

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To M G F Properties
Brook Street
Tring
Herts

A E King, Dovecot Farm,
Alder Park Meadows
Long Marston
Tring Herts

| |
|--|
| Three dwellings |
| |
| |
| at Land off Icknield Way, Tring, 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 dated 22.11.88 and received with sufficient particulars on 24.11.88 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 the Metropolitan 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 siting of the proposed development would represent an obtrusive and undesirable intrusion of the built up area into the open countryside.
3. The use of the access which is substandard in visibility would give rise to conditions prejudicial to highway safety.

Dated 16th day of March 19 89

Signed..... *Wm Barnard*

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.



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

GTN 1374

J. D. J.
2 Feb

A E King BA(Hons) B.Pl
Dovecot Barn
Alder Park Meadows
Long Marston
TRING
Herts HP23 4RB

| | | | | | | | |
|---------------------------|-----|----|------|-------------|--------|-------------------------|--|
| MRTPI PLANNING DEPARTMENT | | | | | | DACORUM BOROUGH COUNCIL | |
| Ref. | | | | Ack. | | | |
| DP. | TOP | IP | D.C. | B.C. | Admin. | File | |
| | | | | | | | |
| Received | | | | 23 FEB 1990 | | | |
| Comments | | | | | | | |

Your Reference:

Our Reference:

T/APP/A1910/A/89/134720/P3

Date:

22 FEB 90

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY C ANDREWS. M.G.T. PROPERTIES
APPLICATION NO : 4/2/46/88

- 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 planning permission for the erection of three detached houses on land off Icknield Way Tring. I held a hearing into the appeal on Wednesday 24 January 1990.
- From my inspection of the appeal site and surroundings the written representations and from the matters presented to me at the hearing, I am of the opinion that the main issue in this appeal is whether there are any special circumstances to override the normal presumption against dwellings in the Green Belt.
- At the hearing the appellant stated that he had not received the Notice of Hearing for display at the site. The Council have sent the Notification Letter of the hearing to thirty nearby properties, the Tring Town Council and the Editors of three local newspapers and I have recieved four letters in response to this letter. In view of this I intend to proceed to a decision.
- The appeal site is a narrow triangular piece of land located in the northern corner of a large open undulating field some distance north-west of the B.488 Icknield Way. The site is covered with an intense collection of temporary buildings, caravans and garages which are in use as a joinery/shop fitting works. The site is served by a long private vehicular access which runs along the north-westwards from the B.488 parallel to a canal feeder. To the north and north-east of the site is the Grand Union Canal and canal feeder channel respectively, with the built-up area of Tring to the south-east of Icknield Way and north-east of the canal feeder. A public footpath runs along the north-eastern and north-western boundaries of the site.
- The appeal site is located within the Metropolitan Green Belt wherein the policies of the Hertfordshire Structure Plan Review, approved in 1988, and the Dacorum District Plan, adopted January 1984, seek to restrict construction of new dwellings for agricultural or other essential purposes appropriate to a rural area. This is generally in line with Government Policy as expressed in Circular 14/84. No rural need has been claimed in this case.



6. The Council detail a planning history of the site. They state that the proposal would represent an extension of the built-up area of Tring by allowing a permanent development of modern and visually intrusive dwellings. They maintain that it would be an unacceptable form of development in the Green Belt and, if allowed, would be prejudicial to the implementation of Green Belt policies. The Council contend that the proposal involves the use of a dangerous access point and that its continued use would be seriously detrimental to highway safety. They state that the existing joinery and shopfitting business on the site is unauthorised and has no established use and point out that they have the option of pursuing enforcement action. The Council have never accepted the principle of permanent development on the site.

7. On behalf of the appellant you contend that the proposal would not contravene any of the five purposes of the Green Belt set out in paragraph 4 of Planning Policy Guidance Note 2 - Green Belts. You submit that the site cannot be described as countryside as it is already developed as an industrial site and the boundaries are not being extended. You acknowledge the untidy appearance of the site and state that the appellant is keen to upgrade the site and to improve the quality of the buildings either by replacement or redevelopment. It has not been possible in your discussions with the Council's officers to ascertain whether any alternative use or refurbishment of the existing use might be acceptable. You refer to the application for an Established Use Certificate to the Council dated 29 August 1989 and submit correspondence between the Tring Urban District Council and the appellant in 1967. You contend that enforcement action against the long established industrial use would be unsustainable after 28 years uncontested use and, therefore, the planning and highway gains associated with this proposal represent genuine improvements.

8. At the hearing it was confirmed that the Council had not determined the application for the Established Use Certificate and that there was no additional information available with regard to this issue. I am unable to attach substantial weight to your claim that the replacement of the existing buildings and use on the site by the proposed development would be such an improvement that this would be sufficient special circumstances to override the normal presumption against dwellings in the Green Belt. I note that in 1975 an appeal against an enforcement notice served by the former Tring Urban District Council concerning the erection of a timber framed building or structure on the site was upheld and the appeal was dismissed subject to the variation of the period of compliance with the notice from two months to four months.

9. In my view the proposed development with its three two-storey dwellings, garages and cultivated gardens would introduce a residential environment to a small part of a very large open field beyond the southern and south-east sides of the canal and feeder channel. I consider these waterways to be readily recognisable features which clearly define the outer boundary of the Green Belt. I find that the proposal would be more prominent than the existing group of single-storey buildings on the site and would be clearly seen from the B.448 along the vehicular access, the public footpath and the residential development in Longbridge Close. I have come to the view that the proposed development would be a small, but unacceptable encroachment of the countryside and be seen as an unrestricted sprawl of the built-up area of Tring contrary to the long-established aims and objectives of Green Belt policies. In coming to this conclusion I have taken account of the advice contained in Planning Policy Guidance Note 2 - Green Belts that the quality of rural landscape is not a material factor in their continued protection.

10. Turning now to the highway objection, although I share the previous inspector's view that vehicles turning in and out of the access road would be likely to prejudice road safety on a busy section of the B.448 where there is a sharp incline down towards the junction, nevertheless, the sight lines at the junction are good and I do not find that this objection would be sufficient to justify refusal for this reason alone.

11. I have taken account of all the other matters in the representations but I am of the opinion that they do not outweigh the considerations that have led me to my decision.

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

I am Sir
Your obedient Servant



R E Hurley CEng MICE MIHT
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr A E King BA(Hons) B.Pl MRTPI - of Dovecot Barn, Alder Park Meadows, Long Marston TRING.

Mr C Andrews FIMI - Managing Director M.G.T. Properties.

FOR THE PLANNING AUTHORITY

Mr J R Doe BSc(Hons) - Senior Planning Officer with the Authority.

DOCUMENTS

- Document 1. List of persons present at the hearing.
- Document 2. Notification letter of hearing and list of persons circulated
- Document 3. Four letters received in response to notification letter
a-d incl. supporting the Council.
- Document 4. Planning history of site submitted by Council.
- Document 5. Copy of appeal decision dated 21 April 1975,
ref.T/APP/1743/C/73/2196/G4.
- Document 6. Relevant policy extracts from Structure Plan 1986 Review.
- Document 7. Relevant policy extracts from the Dacorum District Plan.
- Document 8. Interim parking guidelines in the Dacorum District Plan.
- Document 9. Letter to appellant from Tring U.D.C. dated 6 Feb. 1967 and
a&b his reply dated 3 March 1867.
- Document 10. Copy of application for Established Use Certificate for light
industrial use on site dated 29 August 1989.
- Document 11. Letter accompanying appeal application dated 21 Nov. 1988.
- Document 12. List of conditions suggested by the Council
- Document 13. Description of Footpath No. 52.

PLANS

- Plan A. Appeal Site and Surroundings Scale 1:2500.
- Plan B. Site Layout. Drwg No. ICI01A Scale 1:200.

Plan C D Type House plans and elevations Scale 1:100.
Plan D C Type House plans and elevations Scale 1:100.
Plan E E Type House plans and elevations Scale 1:100.
Plan F Proposals Map Inset No.1 Tring showing Green Belt. Scale 1:10000
Plan G Definitive Map of Public Rights of Way. Scale 1:10000

NONDIGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER