

H.C.C. Code No. W/576/65
L.A. Ref. No. 42/65

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the ~~Borough of~~
URBAN DISTRICT OF TRING
~~Rural District of~~

TOWN & COUNTRY PLANNING ACT, 1962

To Messrs. P. & D. Mead,
1, Chesham Road,
Wigginton,
Nr. TRING, Herts.

Outline application for residential development,
at Wick Road, Wigginton, Nr. TRING, Herts.

Brief description and location of proposed development.

In pursuance of their delegated powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council on behalf of the Local Planning Authority hereby refuse the development proposed by you in your application dated 9th March, 1965. and received with sufficient particulars on 19th March, 1965. and shewn 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 proposed extension to the Metropolitan Green Belt and also within an area of Great Landscape Value where it is the policy of the Local Planning Authority not to allow development unless it is required for agricultural or allied purposes. No such need has been proved.
- 2. The site is unsatisfactory in location, shape and relationship to surrounding land uses for development as a separate residential unit.
- 3. Due to the shape of the site, vehicular access to the proposed houses would be in the form of a cul-de-sac from Wick Road, which, in the opinion of the Local Planning Authority would result in a lengthy access likely to lead to unnecessary cost and inconvenience in the provision of all kinds of services to the dwellings when occupied.
- 4. There is no sewer available to serve this site.

Dated 10th day of May, 1965.

Clerk/Surveyor of the Council. [Signature]

NOTE.

(1) If the applicant wishes to have an explanation of the reasons for this refusal 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 by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 23 of the Town and Country Planning Act, 1962. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such 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 provision of Section 17(1), 18(1) and 38 of the Act and 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 Minister of Housing and Local Government, 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 Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 129 of the Town and Country Planning Act, 1962.

(4) In certain circumstances, a claim may be made against the local planning authority or the Minister of Housing and Local Government for compensation, where permission is refused, or granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 123 and Part VI of the Town and Country Planning Act, 1962.

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W/576/65



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: 'Housing', Park, London

Telephone: 7321, 7322, 7323



Please address all requests to
THE SECRETARY
and quote **W/576/65**
Your reference

AFR
RH

Gentlemen,

Town and Country Planning Act 1962, Section 171
Appeal by Messrs. J. and E. Head
Concerning land off Wick Road, Wigginton, Leamington Spa

1. I am directed by the Minister of Housing and Local Government to say that consideration has been given to the report of his Inspector, Mr. A. M. Roberts, F.A., A.M.C.I., Dip.T.P., who held a local inquiry into Messrs. J. and E. Head's appeal against the decision of the Triax Urban District Council, acting on behalf of the Northamptonshire County Council, to refuse planning permission for residential development on the land described in the heading to this letter, application no. W/576/65.

2. The Inspector, a copy of whose report is enclosed, was of the opinion that if the peripheral expansion of this village were acceptable this land or part of it might be suitable for building despite the great landscape value objection, which was inappropriate in relation to the appeal site itself. But approval at this time would be premature for a number of reasons. First, the site was within a proposed extension to the metropolitan green belt and to allow this appeal would be to prejudice the consideration of that submission, whether as it related to Wigginton. The proposed development did not accord with the green belt policy for it would not be infilling, nor would it be within the core of the village. The comparative unobtrusiveness of the site and its present unrightfulness did not constitute exceptional circumstances justifying approval in contravention of that policy. Secondly, the development of the appeal site by itself would not be a planning method of extending the village in the terms of layout, and the one-sided development of the cul-de-sac would be un-economical in the provision of services. If this land were to be developed it should be done in conjunction with some of the adjoining land to the east. Finally it would be better to avoid substantial expenditure in advance of the installation of main drainage in Wigginton. Though this factor by itself would not justify withholding permission it contributed to the conclusion that allowing this appeal would be premature. The Inspector recommended that the appeal be dismissed.

3. The Minister agrees with the Inspector's conclusions and accepts his recommendations accordingly he hereby dismisses your clients' appeal.

I am, Gentlemen,
Your obedient servant,

H. C. HILLINGTON

(H. C. HILLINGTON)

Authorised by the Minister
to sign in that behalf.

Notes
R.M.

Mr. J. H. Golder and Mr.
J. H. Golder
11, Mark Lane
London, E.C.3



HERTFORDSHIRE COUNTY COUNCIL

TRING URBAN DISTRICT COUNCIL

APPEAL

by

MESSRS. D. AND P. MEAD

Inspector: A. M. Roberts, M.A., A.M.T.P.I., Dip.T.P.

Date of Inquiry: 13th January 1966.

File No: APP/1743/A/97954.

28th January 1966.

To The Right Honourable Richard Crossman, O.B.E., M.P.,
Minister of Housing and Local Government.

Sir,

I have the honour to report that on 13th January 1966 I held an inquiry (in the place of Mr. Stedham) at the Council Chambers, Tring into an appeal by Messrs. D and P. Mead under section 23 of the Town and Country Planning Act 1962, against the refusal of the Tring Urban District Council, acting on behalf of the Hertfordshire County Council, to permit the residential development of land at Wick Road, Wigginton, Tring.

1. The Reasons for Refusal are:-

- (1) The site is within a proposed extension to the Metropolitan Green Belt and also within an Area of Great Landscape Value where it is the policy of the Local Planning Authority not to allow development unless it is required for agricultural or allied purposes. No such need has been proved.
- (2) The site is unsatisfactory in location, shape and relationship to surrounding land uses for development as a separate residential unit.
- (3) Due to the shape of the site, vehicular access to the proposed house would be in the form of a cul-de-sac from Wick Road which, in the opinion of the Local Planning Authority, would result in a lengthy access likely to lead to unnecessary cost and inconvenience in the provision of all kinds of services to the dwellings when occupied.
- (4) There is no sewer available to serve this site.

2. This report includes a description of the appeal site and surroundings, the gist of the representations made at the inquiry, and my findings of fact, conclusions and recommendation. Lists of appearances, documents and plans are attached.

THE SITE AND SURROUNDINGS

3. The appeal site is on the south-western edge of the village of Wigginton which lies about 1½ miles south-east of Tring and about four miles north-west of Berkhamsted. Almost the whole of the village is in the area of Berkhamsted Rural District Council but the site and a small new housing estate, Osborne Way, are within the Urban District of Tring.

4. The village was originally a small agricultural settlement and has developed rapidly of recent years as a residential settlement for people working elsewhere. There is an extended ribbon of housing along Hemp Lane, the road running eastwards to Aldbury. There is an attractive new residential estate at Fox Close on the Tring Road. There is a ribbon of council housing along the west side of the Chesham Road joining Wigginton to Wigginton Bottom. On the north side of Wick Road, which runs westwards

APPEARANCES

FOR THE APPELLANTS

Mr. Stanley Ibbotson

- of counsel instructed by
H. R. Hodder and Son,
1A, St. Mary's Road, Harlesden,
N.W.10.

He called:

Mr. D. P. Mead

- one of the appellants.

Mr. E. S. North, F.R.I.B.A.

- Norfolk House, Station Road,
Chesham, Buckinghamshire.

Mr. J. W. Hussey

- Local resident.

Mr. J. Cooper

- " "

Mr. S. Parker

- " "

Mrs. S. Parker

- " "

Mr. P. Ginger

- " "

Mr. J. Howes

- " "

FOR THE PLANNING AUTHORITY

Mr. C. Davies

- Clerk to the Tring Urban District
Council.

He called:

Mr. R. Myers, A.M.T.P.I.

- Senior Planning Assistant, county
council.

Mr. M. J. Turnham

- Deputy Surveyor, district council.

DOCUMENTS

Document 1 - List of persons present at the inquiry.

" 2 - Notice of inquiry.

" 3 - List of persons notified.

" 4 - Letter from Berkhamsted Rural District Council supporting the decision.

" 5 - Letter from County Planning Officer to districts.

" 6 - County's policy statement re building in the green belt.

" 7 - Details of dismissed appeal relating to part of this appeal site.

" 8 - Letter opposing this appeal from a local resident.

PLANS

- Plan A - Block plan of the appeal site.
- " B - Map of the village showing suggested development of the appeal site.
- " C - Map of the village showing land uses.
- " D - Layout of the appeal site in conjunction with adjoining land suggested by the appellant's architect.

from the village, there is a new estate of 21 bungalows, Osborne Way, which was permitted by the Minister on appeal (1743/40620/20 - 21).

5. The village has three shops, two public houses, a church and a small primary school. Within the village there is a site on which a new replacement primary school is to be erected. There are more modern dwellings in this village than old ones and the latter are undistinguished. The pattern of development is loose.

6. The appeal site is on the south side of Wick Road opposite to Osborne Way. It has a road frontage of about 150 feet and a depth of about 900 feet. Its area is about 3.4 acres. It is adjoined on the west and south by the arable land of Wick Farm. On its east side it is adjoined as to its northern half by an area of partially used allotments and as to its southern half by the long gardens of the ribbon of houses on Chesham Road.

7. The site lies in a very small valley and there is a marked but low ridge which is partially wooded running parallel to and beyond its western boundary. The boundary itself is marked by a light fence. There is a thick high hedge of hawthorn and elder along its eastern boundary. The land is mainly unused and covered with coarse grass. A part is used for rearing a few pigs and there are some small makeshift pens and sheds. There are a few old cars and some miscellaneous rubbish including a burnt-out car. The fall of the land is gentle, towards the south.

8. The appeal site is secluded and concealed from view from much of its surroundings. It can be seen from Wick Road going immediately westwards but buildings on it would not be obtrusive in the view and from further west they would be concealed by the ridge. The site is inconspicuous from Chesham Road. The countryside to the west of Wigginton is pleasant and largely unspoiled.

9. Wick Road runs westwards from the village to Wick Farm. It has a carriageway width of ten to twelve feet and there is a footpath along the north side as far as Osborne Way. The road is surfaced from the village up to the eastern boundary of the appeal site. From there it is made up with hardcore but is unsurfaced.

CASE FOR THE APPELLANTS

The material points are:-

10. They are joint owners of the land which they purchased in an unused condition in 1961 and 1962. It was purchased partly in order to enable David Mead to build a house. He lives in a council house in Chesham Road with his elderly father, and the housing authority (Berkhamsted Rural District Council) have told him that he can neither purchase the council house nor continue its tenancy when his father dies.

11. The other purpose was for cultivation, but all attempts at this have failed. The hay crop was useless. The 400 poultry he kept there were almost all killed by foxes. An attempt to raise calves was unsuccessful. He now keeps a few pigs but this venture is unprofitable and has led to complaints from neighbours. He also keeps a few old cars on the land and that is all it can be used for unless it is developed.

12. This is an application in outline for the residential development of this land. His architect submits two suggested layouts, one taking the land by itself (plan B) and one taking it with adjoining land (plan D). He is prepared to comply with any reasonable requirement regarding layout, number and type of houses, roads and services. There can be no doubt that if this land, which is now an eyesore, were

developed with the type of dwellings recently erected in Osborne Way and Foxes Close the appearance of this quite undistinguished village would be improved.

13. The proposed development would provide a compact extension to the village, extending its boundaries by only 150 feet. Indeed, now that Osborne Way has been built the land has become a rounding-off, almost an infilling, site. It is also exceptionally secluded, indeed concealed from most viewpoints.

14. It cannot therefore be held that its development would have any material effect on the area of great landscape value or the proposed green belt. In its present state the land detracts from the purposes of these policies. In the South East Study it has been said that there should be more emphasis on the positive functions of the Green Belt and that all land within it should have a positive purpose. To maintain this useless eyesore is a negation of this policy. The land has been sold off by the adjoining farmers because it is useless. He cannot be forced to take it over and cultivate it. The only positive purpose that the land can serve is to be developed with houses which would improve the village.

15. There is no difficulty over vehicular access. Wick Road has proved an adequate approach road for Osborne Way and would be the same for the new houses. The cul-de-sac would be fairly long but little longer than Osborne Way. There is no evidence that there would be any difficulties over services. Many houses have been built in recent years in the village even though there is no main drainage. Cess-pool or septic tank drainage would be adequate for this number of houses. It is understood that a main drainage scheme is being prepared and it would obviously be convenient to run a sewer down the length of this site taking sewage from Osborne Way and Wick Road and picking up drains from the rear of the houses in Chesham Road on the way.

16. The fact that an appeal has already been dismissed on a part of the appeal site does not predetermine this issue. Circumstances have now changed due to the building of Osborne Way following an allowed appeal. This has now made the appeal site a part of the village. Indeed the Osborne Way decision is a precedent for this present case. The planning officer cannot say that the development of Osborne Way had done any harm at all. Nor can he indicate any practical disadvantages attendant on the development of the appeal site.

17. Six residents of the village, including two parish councillors, spoke in support of the appeal. They considered the site to be an eyesore and a nuisance in its present state and thought it would improve this land and the village if it were developed. They said that the village needs more population to support such community facilities as football or cricket teams and a scout troop and several thought that the reception of immigrants in this village has been and would be a benefit both to the village and to the immigrants themselves.

CASE FOR THE LOCAL PLANNING AUTHORITY

The material points are:-

18. The village of Wigginton lies on the fringe of the Chilterns. It has a population of about 1,000 and is served by water and electricity. There is no main drainage, but a scheme is in course of preparation. The centre of the village, consisting of the church, the new vicarage and the school, lies at the cross roads formed by three roads all coming from A.41 to the north and another road running southwards towards Chesham.

19. The appeal site lies on the south side of Wick Road about 500 yards south-west of the village centre. This is a narrow lane which is a surfaced public highway as far as the boundary of Berkhamsted Rural District on the eastern edge of the site.

Thereafter it continues as an unsurfaced lane leading to Wick Farm. At the appeal site Wick Road is approximately 12 feet wide with a 7 feet wide footpath on its northern side.

20. The village and the area generally, including the appeal site, are shown on the approved development plan as "white" land within an Area of Great Landscape Value. In the submitted first review the landscape value notation is repeated and the area is shown within a proposed extension of the Metropolitan Green Belt. The green belt proposal was accepted by the Minister in February 1957 as a basis for development control.

21. Briefly their policy in the green belt area is to divide settlements into three categories. The largest villages and small towns are excluded. In the countryside and small village no further development is allowed except to meet agricultural and other essential needs. In the villages of medium size, of which Wigginton is one, a certain amount of infilling development may take place, but the infilling will be confined to the core of the village and not allowed in existing ribbons of development stretching outwards from the centre.

22. In this case the site is well away from the core of the village. Its development could not be called infilling. On the contrary it would be an extension of the village into the open countryside and therefore flatly contrary to the green belt policy since it cannot be claimed that this development is needed for agricultural or other essential purposes. In the green belt the onus is on the applicant to prove that his proposal should be treated as an exception to the general policy preventing further buildings.

23. There have been several previous applications to develop this land. In 1958 an application to build four bungalows at the northern end was refused for green belt reasons. In 1960 an application to build seven dwellings at the northern end was refused for similar reasons and the subsequent appeal was dismissed (1743/40620/20). In 1963 an application to develop the whole site residentially was refused for green belt reasons and also for the reason that the location and shape of the site were unsatisfactory.

24. On the opposite side of the road Osborne Way was allowed by the Minister on appeal but there were special circumstances affecting that issue. The Minister's decision of 1958 was predetermined by his having allowed an appeal on an outline application made prior to the adoption of the green belt policy.

25. The development now proposed is of a general residential character which would harm the rural character of the area. Such building should be situated in Berkhamsted or Tring where provision is made for it. Some infilling development would also be allowed in Wigginton near the village centre. Planning permission for 10 or 11 houses on the old vicarage site is on the point of being granted.

26. Since the appeal site is a long narrow strip separated from the village by the allotments it could not be developed in a manner which would be economical in services and satisfactory in layout. There would be a cul-de-sac road 700 to 800 feet long. The development of this land cannot be described as rounding-off since it would not complete any piece of existing development.

27. It is true that the site is in itself unattractive and that the pig rearing is not a pleasant use, but this is no reason for allowing building. Pig rearing is an agricultural pursuit which has to be accepted in the green belt. The best thing which could happen to this land would be for it to be incorporated in the adjoining Wick Farm.

28. It is undesirable that this development should be allowed in advance of main drainage being provided in about four years time. The Osborne Way development has its

own treatment plant but this is unsatisfactory owing to lack of maintenance. The same trouble could arise at the appeal site. Road access is poor. Wick Road is too narrow to carry much traffic.

29. The observations of the residents who have appeared are unconvincing. If everyone who wants to live in the countryside is allowed to do so there will be no countryside left. Experience has shown that the growth of a village as a dormitory settlement does not improve its social life.

FINDINGS OF FACT

30. I find the following facts:-

- (1) The appeal site is on the south-western edge of the village of Wigginton from which it is separated by allotments and long gardens of houses.
- (2) This is a medium-sized village of undistinguished appearance and mainly residential character; it has a church, shops and a primary school.
- (3) The site has a frontage of about 150 feet to a narrow lane, Wick Road, leading out of the village; its depth is about 900 feet and its area is about 3.4 acres.
- (4) The land is mainly unused though a part is used as a small makeshift piggery and a few old cars are kept there; it is unattractive in appearance.
- (5) It is visually unobtrusive and is separated from the open countryside to the west by a low, partly wood ridge.
- (6) It is "white" land within an Area of Great Landscape Value in the approved development plan.
- (7) It is shown within a proposed extension of the Metropolitan Green Belt in the submitted First Review Development Plan; it is a "listed" village within which it is proposed that only infilling within the central core shall be allowed.
- (8) There is no main drainage in Wigginton; a scheme is being prepared and this service is expected to be provided in about four years' time.
- (9) Several previous applications to develop the whole or part of the appeal site have been refused; an appeal relating to one of these was dismissed in 1961.
- (10) Facing the site across Wick Road an estate of 21 bungalows has been built at Osborne Way following successful appeals in 1954 and 1958.
- (11) The appeal is supported by six local residents; one letter of opposition has been received.

CONCLUSIONS

31. Bearing in mind the above findings of fact I am of the opinion that if the peripheral expansion of this village were acceptable this land or part of it might be suitable for building despite the great landscape value notation, which is inappropriate in relation to the appeal site itself.

But an approval at this time would be premature for a number of reasons. First, the site is within a proposed extension of the Metropolitan Green Belt and to allow this appeal would be to prejudice the consideration of that submission insofar as it relates to Wigginton. The proposed development does not accord with the green belt policy for it would not be infilling, nor would it be within the core of the village. The comparative unobtrusiveness of the site and its present unsightliness do not constitute exceptional circumstances justifying approval in contravention of that policy.

32. Secondly, the development of the appeal site by itself would not be a pleasing method of extending the village in terms of layout, and the one-sided development of the cul-de-sac would be uneconomical in the provision of services. If this land is to be developed it should be done in conjunction with some of the adjoining land to the east. Finally, it would be better to avoid substantial building in advance of the installation of main drainage in Wigginton. Though this factor by itself would not justify withholding permission it contributes to the conclusion that allowing this appeal would be premature.

RECOMMENDATION

33. That the appeal be dismissed.

I have the honour to be,
Sir,
Your obedient Servant,

A. M. ROBERTS

REFUSAL

H.C.C.

Code No.

W/576/65

Ref. No.

42/65

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the ~~County~~

URBAN DISTRICT OF ~~TRING~~

~~WIGGINTON~~

TOWN & COUNTRY PLANNING ACT, 1962

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Outline application for residential development,

at Wick Road, Wigginston, Nr. TRING, Herts.

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4. There is no sewer available to serve this site.

Dated 10th day of May, 1965.


[Signature]
Clerk/Surveyor of the Council.

SEE NOTES OVERLEAF

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

1. 2. and 3. To meet the requirements of the Council as delegated Highway Authority.

Dated 30th day of June, 19 65.


~~Clerk~~/Surveyor of the Council.

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 grant permission or approval subject to conditions, he may by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 23 of the Town and Country Planning Act, 1962. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such 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 provisions of Section 17(1), 18(1) and 38 of the Act and of the Development Order and to any directions given under the Order.

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