

PLANNING FILES

SPIKE ISLAND, HORNBEAM LANE,

S6/652/89

2/4

ESSENDON.

6.2 The subsequent Circular 14/84 'The Green Belts' reinforced that advice and stated that:-

- "1. The Government continues to attach great importance to Green Belts, which have a broad and positive role in checking the unrestricted sprawl of built-up areas, safeguarding the surrounding countryside from further encroachment, and assisting in urban regeneration. There must continue to be a general presumption against inappropriate development within Green Belts. The Government reaffirms the objectives of Green Belt policy and the related development control policies set out in Ministry of Housing and Local Government Circular 42/55..."

3. "The essential characteristic of Green Belts is their permanence and their protection must be maintained as far as can be seen ahead."

6.3 This advice was updated in the recent Planning Policy Guidance Note No. 2 'The Green Belts'. The purposes and objectives of defining a Green Belt which were first set out in Circular 42/55, but expanded on in PPG 2, can be quoted as follows:-

"PURPOSES OF GREEN BELTS

4. Green Belts have five purposes:-

- to check the unrestricted sprawl of large built-up areas;
- to safeguard the surrounding countryside from further encroachment;
- to prevent neighbouring towns from merging into one another;
- to preserve the special character of historic towns;
and
- to assist in urban regeneration."

6.4 In addition, P.P.G. 2 also goes on to state that:-

"CONTROL OVER DEVELOPMENT

12. The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them.

13. Inside a Green Belt, approval should not be given,

except in very special circumstances, for the construction of new buildings or for the change of use of existing buildings for purposes other than agriculture and forestry, outdoor sport, cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area.

14. Structure and local planning policies should make no reference to the possibility of allowing other development in exceptional circumstances. Nor should the visual amenities of the Green Belt be injured by proposals for development within or conspicuous from the Green Belt, which, although they would not prejudice its main purpose, might be inappropriate by reason of their siting, materials or design."

6.5 At the same time as issuing up to date advice on controlling inappropriate development in the Green Belt, the Secretary of State also set out in Planning Policy Guidance Note No. 1, the General Policy and Principles which should be applied by Local Planning Authorities to planning applications. Paragraph 15 makes it very clear that:-

..."There is always a presumption in favour of allowing applications for development, having regard to all material

considerations, unless that development would cause harm to interests of acknowledged importance. *Except in the case of inappropriate development in the Green Belt, the developer is not required to prove the case for the development he proposes to carry out...."

* LPA's underlining

6.6 Thus the Secretary of State has altered the previous emphasis of Circular 14/85 by isolating Green Belts from other interest of acknowledged importance.

6.7 In addition Planning Policy Guidance Note No. 3 "Land for Housing" states in paragraph 4 that:-

..."At the same time the Government remains firmly committed to the maintenance of long-established conservation policies. These include the continuing presumption against new buildings in the Green Belts..."

6.8 The latest consultation paper from the Secretary of State, on P.P.G. 3 dated 4.10.89., does not alter this emphasis but reiterates it in paragraph 5 of Annex A..."

"The policy on rural low cost housing stated in paragraphs 22-26 of the main text does not alter the general presumption against inappropriate development in the Green Belts. Green Belt policy remains as set out in Planning Policy Guidance No. 2."

6.9 Finally, in relation to advice from the Secretary of State, Planning Policy Guidance Note No. 7 "Development in Rural Areas" states that:-

20. The general planning principles described above apply throughout the countryside. There are however, some supplementary planning controls in specially designated areas.

21. Thus, *there are special restrictions in Green Belts in order to check the unrestricted sprawl of large built-up areas and to safeguard the countryside from further encroachment (See Green Belt PPG for further details)."

* LPA's underlining

6.10 It is clear from this full range of Ministerial advice that in the Metropolitan Green belt;

- a) There is a presumption against any inappropriate new development or buildings;
- b) There must be very special circumstances applied to a development in order for the general presumption set out above to be overridden;

- c) The onus is on the applicant to prove that there are very special circumstances in his case and that
- d) The Green Belt itself is an interest of acknowledged importance.

6.11 In order to ensure that such advice is applied at a District level, both the Hertfordshire County Council and the Welwyn Hatfield Council have set out and approved detailed policies to control inappropriate development in the area of the Metropolitan Green Belt. At a strategic County level, the 1988 Approved Hertfordshire County Structure Plan 1986 Review is the Statutory Development Plan. The relevant policies are attached as Appendix 'C'.

6.12 Policy 1 states that within the Green Belt permission will not be given for purposes other than for those appropriate to a rural area; or in very special circumstances. In addition Policy 6 requires that within the Green Belt, special regard will be taken of the siting, design and external appearance of any proposed new building, if they are accepted as being appropriate to a rural area.

Policy 50 and 51 deal with development in specified settlements, and then in areas outside specified settlements within the Green Belt and make it clear that development will not be permitted except for:-

- i) THE HOUSING AND EMPLOYMENT NEEDS OF AGRICULTURE, FORESTRY, LEISURE AND LOCAL SERVICES IN THE RURAL PART OF THE DISTRICT THAT CANNOT PRACTICALLY BE MET IN A LOCATION OUTSIDE THE GREEN BELT;

- ii) THE LOCAL FACILITIES AND SERVICE NEEDS OF THE SETTLEMENT IN WHICH THE DEVELOPMENT IS PROPOSED.

6.13 The Welwyn Hatfield District Plan was approved by the Council in 1982. It was granted a Certificate of Conformity by the Hertfordshire County Council in 1982, and at the time of this application was the relevant Plan for the purposes of Development Control in the area. Policies for the control of development in rural areas and the Metropolitan Green Belt are set out in Chapter 7, The Physical Environment, and attached as Appendix D. The Inspector will note that Policy E1 precludes residential development except in very special circumstances. In relation to the replacement of existing dwellings, the Appendix to that Plan, dealing with Development Control Standards and Criteria states in paragraph 3.2 that:-

"the replacement of dwellings in the Metropolitan Green Belt will only be permitted in very special circumstances, and the size will be strictly related to the size of the existing dwelling."

6.14 Since the time of the application the Council has, for the purposes of Development Control approved a Draft District Plan, which is operative from 11th September, 1989. Policies relating to the Green Belt are set out in Appendix 'E'. They clearly still relate to the appeal site since the boundaries of the Green Belt have not been altered and are, in the Local Planning Authority's view a material consideration in this appeal. In particular Policy GB5 states that:-

GB5 THE REPLACEMENT OF A DWELLING IN THE GREEN BELT WILL NOT BE PERMITTED UNLESS IT CAN BE PROVED TO THE COUNCIL THAT:-

- i) THE EXISTING DWELLING IS NOT CAPABLE OF HABITATION
- ii) THE REPLACEMENT IS OF A SIMILAR SCALE AND FLOORSPACE

WHERE REPLACEMENTS ARE ALLOWED PERMITTED DEVELOPMENT RIGHTS WILL NORMALLY BE REMOVED AND THE DEVELOPMENT MUST ACCORD WITH THE STANDARDS AND CRITERIA IN APPENDIX A.

6.15 Having set out the policy objections which the Local Planning Authority considers apply to the proposal and stated that there is a clear presumption against the development, it is also considered by the Local Planning

Authority that the development would cause demonstrable harm to the Green Belt as an issue of acknowledged importance. Planning Policy Guidance Note No. 2, sets out the objectives of making a Green Belt. It is considered that this proposal breaches a major objective of safeguarding the open countryside. The original dwelling on the site was only 86 square metres in floorspace terms, and was a small cottage, known as "Meadow Cottage". It is visible from a wider area, particularly between November and April, but it is not very prominent and is sited in the corner of the appeal site. However, it is clearly visible from a public right of way used frequently by walkers, horse riders and some limited vehicular traffic.

6.16 Whilst that property has been allowed to be extended to a limited degree it is estimated that if the permissions granted which can legally be implemented were to be completed fully, then the existing dwelling would in total be approximately 397 sq. metres. The plans submitted in outline, relating to this appeal showed a new two storey dwelling in a revised siting which would be approximately 530 sq. metres in floorspace terms. This excludes any extensions which could then be attached to the new dwelling as Permitted Development under Class A of Part I of the Town and Country Planning (General Development Order) 1988, and also the potential future use of the roof space as habitable

accommodation under that same Class of the General Development Order.

6.17 Given the additional floorspace proposed and the additional floorspace which could be added as Permitted Development without any form of control, it is considered that the proposed replacement dwelling will result in a significant enlargement of what was originally a small cottage for which there is no real justification. The rural character of the appeal site and the character of the dwelling situated on it will change and the development will result in a larger, more prominently sited urban form of development. If this were repeated throughout the rural part of the District than the character of this part of the Green Belt would be irreversibly changed for the worse.

6.18 The Council would refer the Inspector to paragraph 7 of the Inspector's decision letter on application S6/133/84 in this respect (See Appendix B for copy), in which he states that:-

."the fact that a house is not noticeable is not by itself a good argument for permission, as such an argument could be repeated too often; previous additions have already turned what was a modest country cottage into a substantial house, the accommodation of which is large enough for most families; and I recognise the Council's fear of setting a precedent, the effect of which could cumulatively erode the rural character of the area."

6.19 The Secretary of State's advice is clear. There must be a presumption against any new buildings in the Green Belt unless very special circumstances exist or can be proven, and PPG1 makes it clear that the onus is on the applicant to demonstrate that special circumstances exist in any case. The Council does not consider that the fact that there is an existing dwelling on the site is, in itself a sufficient justification. It is of a sufficient size and can be extended further under a current permission to provide for all reasonable amenities and requirements of a family occupying it, and is structurally sound and habitable.

7.0 COMMENTS ON GROUNDS OF APPEAL

7.1 Paragraph 4.10 Notwithstanding the appellants comments, the Inspector is advised that the extensions allowed on appeal in 1985 (Ref: S6/133/84) and referred to by the appellants as being commenced by the digging of trenches cannot in fact be completed legally. It was subsequently established (and accepted then by the appellant) that part of that extension was outside the curtilage of the property and within the Highway, the Highway Authority is not prepared to accept any encroachment over its land.

7.2 Paragraph 5.4 The appellant states that this is a replacement building rather than an additional building, but the Secretary of State makes no differentiation in his advice that there shall be no new building or inappropriate development in the Green Belt except in very special circumstances and they are set out by him in Circulars and subsequent Planning Policy Guidance Notes. It is not considered that this is a sufficient justification to allow new development on this scale on the site.

7.3 Paragraph 6.5 Crawford Hall Parking Ltd. Case

The Council considers that the Queen's Bench Division decision on Crawford Hall Parking Ltd., v the Secretary of

State and Hounslow L.B. dated 11.12.87, has subsequently been overridden and superseded by later statements of policy as set out in Planning Policy Guidance Note 1 (January 1988). Planning Policy Guidance Note No. 1 has altered the emphasis of Circular 14/85 by specifically separating Green Belts from other interest of acknowledged importance. In addition, that decision related to a use of land, which is not in question in this case. The Council considers that this proposed replacement dwelling should be viewed as an unjustified building operation in the Green Belt, and that a more recent case Regina v Secretary of State and Another Ex Parte Collins, on January 31st 1989 is a more appropriate one to refer to. A copy of the report on the case for 'The Times' is attached as Appendix 'F'. The Deputy Judge in that case concluded that the building concerned was unjustified because none of the special circumstances set out in the County Structure Plan applied to its erection, and that therefore to allow it to remain would cause a detrimental precedent and long-term harm to the Green Belt.

- 7.4 Paragraph 6.7 Circulars and Planning Policy Guidance Notes stress that approval for new development should only be given in very special circumstances and considering the good condition of the existing property, it is not considered that any special circumstances exist in this case.

- 7.5 Paragraph 7.9 It is not accepted that the replacement dwelling would be smaller than that of the existing building; given that one extension already permitted (S6/133/84) cannot be legally completed. The new dwelling would have extensive permitted development rights pertaining to it which would add even more floorspace if taken up in the future. In addition it is contended that the new dwelling would be more prominent from wider views given its siting on a slightly higher ground level than the current property.
- 7.6 Paragraph 7.17 The Council does not accept that the 1985 extension referred to can legally be completed and would add that permission was only granted for extensions on the other side of the property in 1987/88 because of this.
- 7.7 Paragraph 7.21 The Local Planning Authority considers that the new dwelling will be more prominent from wider views and larger in size, and that the normal maintenance and clearance work of the Hertfordshire Countryside Management Services will undoubtedly continue over future years in order to enable the bridleway to be used effectively by the public. The Inspector is referred once again to the comments of the previous Inspector in his decision letter, which are set out in paragraph 6.18 of this Statement.
- 7.8 Paragraphs 7.27-29 It is not accepted that because an

ancillary stable block is proposed to be demolished, and additional landscaping is to be provided, that these "benefits" justify a new building in the Green Belt. These are not the very special circumstances required by the Secretary of State and if it was accepted in this case that they were, then it would set a very detrimental precedent for the many new properties which are scattered throughout the rural part of the District and where the removal of ancillary buildings could be used to justify the erection of new or replacement dwellings. In this way the rural character of the Green Belt would be damaged.

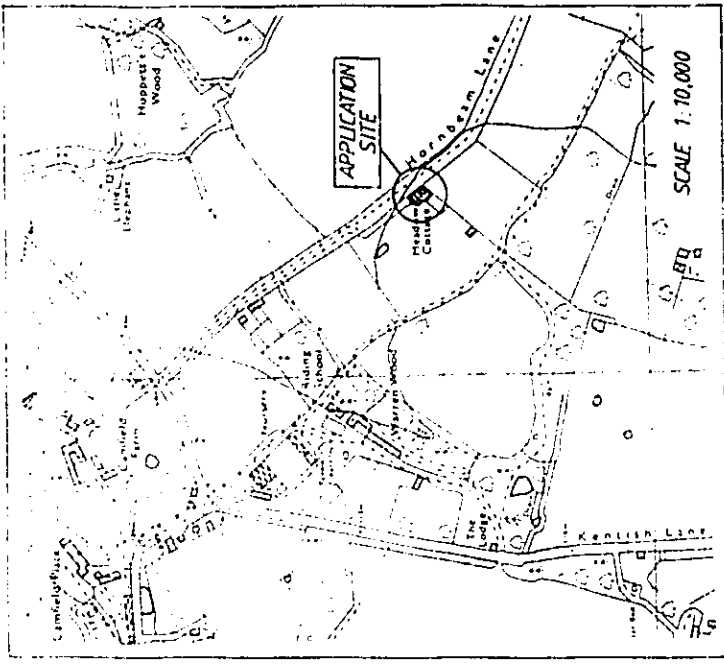
- 7.9 Paragraph 7.31 It is accepted that since long distance views of the house are possible between the months of November and April but it is added here that the property also lies adjacent to a well used public right of way and that it is clearly visible to the public all year round from that bridleway.

8.0 CONCLUSIONS

8.1 It is contended that on the basis of advice from the Secretary of State and the approved local policies applied in the Green Belt, this appeal should not be allowed. It is an entirely inappropriate form of new building in the Green Belt; there are no special circumstances which can be applied and which are set out in policies applied in the Green Belt by the Local Planning Authority, and the appellant has not established to the satisfaction of the Council that there are very special circumstances in this case such that the appeal should be allowed. It is considered that the existing dwelling is perfectly sound and suitable for continued occupation and that the amenities it enjoys can cater for all the needs of a family. The erection of a larger replacement dwelling would it is considered harm an interest of acknowledged importance and the Inspector is respectfully requested to dismiss this appeal.

APPENDICES

- A. Plan showing appeal site, edged in red and adjoining land in ownership of appellant. Scale 1:2500
- B. Decision letter of Secretary of State dated 22.2.85.
Ref: C1950/A/84/22127/P4
- C. Extracts from the 1988 Approved Review of the Hertfordshire County Structure Plan.
- D. Extracts from the 1982 Welwyn Hatfield District Plan, and the Appendix dealing with Standards and Criteria in Development Control.
- E. Extracts from the 1989 Welwyn Hatfield Draft District Plan.
- F. Copy of extract from "The Times" Newspaper dated 8.2.89.



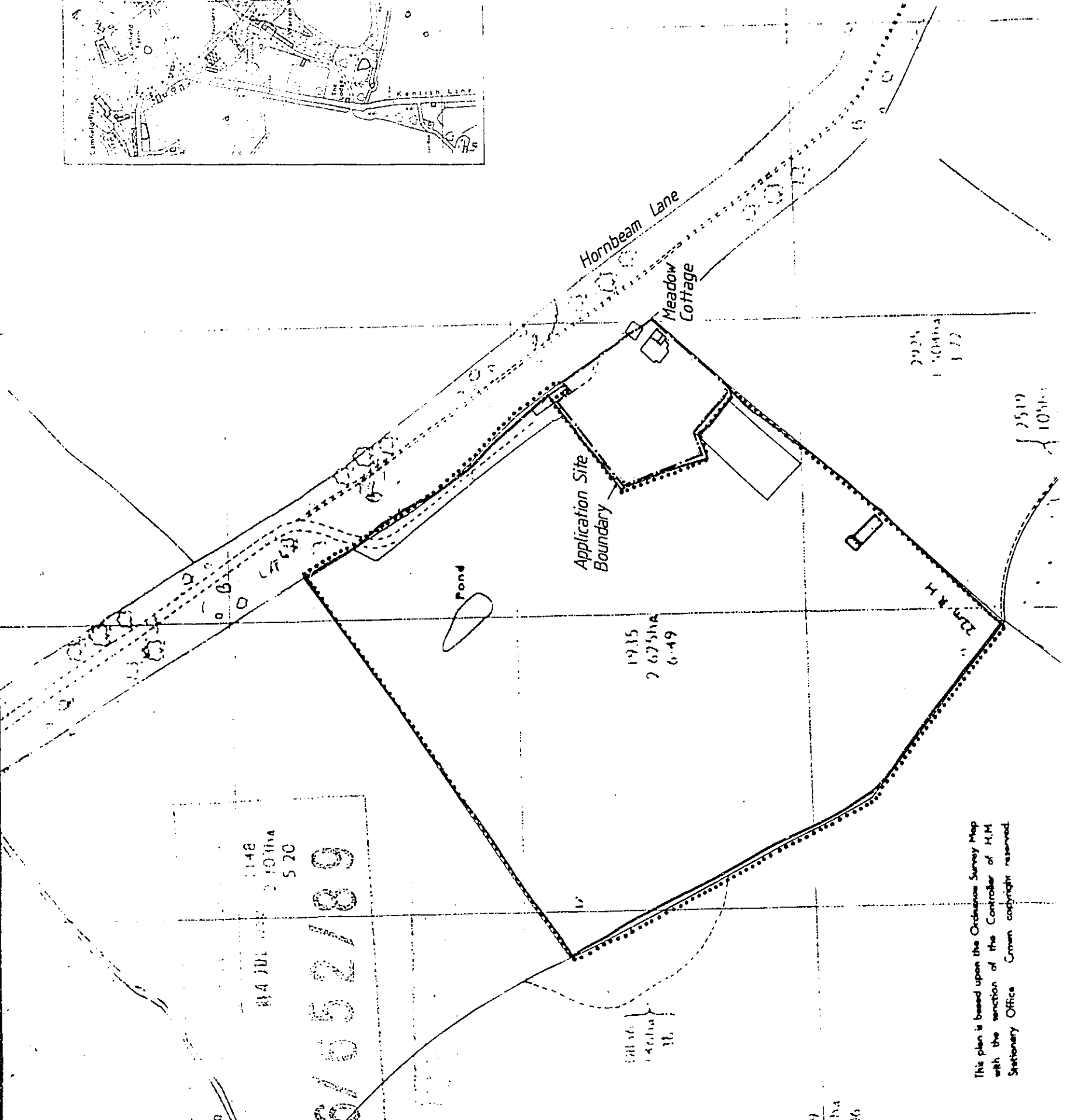
PROJECT TITLE

Spike Island
Hornbeam Lane
ESSENDON

DRAWING TITLE

Location Plan

APPENDIX A



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This plan is based upon the Ordinance Survey Map with the sanction of the Controller of H.M. Stationery Office. Crown copyright reserved.

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Department of the Environment and
Department of Transport

APPENDIX B



Common Services

Room 1420 Tollgate House Houlton Street Bristol BS2 9DJ

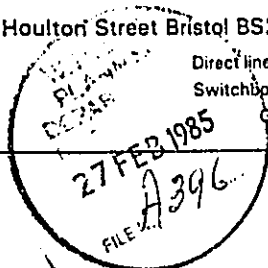
Telex 449321

Direct line 0272-218 927

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GTN 2074

Messrs Murgatroyds
Solicitors
36 Holywell Hill
ST ALBANS
Hertfordshire AL1 1BT



Your reference
84/AL/115
Our reference
T/APP/C1950/A/84/22127/P4
Date
26 FEB 1985

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR G K MACLEOD
APPLICATION NO: C6/133/84

1. I have been appointed by the Secretary of State to determine the above-mentioned appeal, which is against the decision of Welwyn Hatfield District Council to refuse planning permission for the erection of a 2 storey side extension to add 2 bedrooms, bathroom and utility room to the existing house at Meadow Cottage, Hornbeam Lane, Essendon. I have considered the written representations made by you, by your client's architects, and by the council, as well as the views of the Parish Council. I inspected the site on 28 January 1985.
2. The site is within an area shown diagrammatically in the approved Hertfordshire County Structure Plan as being within the Metropolitan Green Belt. According to the Welwyn Hatfield District Plan, which has undergone its local inquiry but is not yet formally adopted, the site is within the Green Belt and in an area of great landscape value. I have considered whether the site is appropriately included in the Green Belt, but I find no reason to question its inclusion, pending determination of Green Belt boundaries upon the eventual adoption of the District Plan.
3. Policy E1 of the District Plan states that except in very special circumstances, development in the Green Belt will only be permitted for the purposes of agriculture and certain other defined needs, none here relevant, though there is an exception for "limited extensions to existing residential properties where they accord with the standards and criteria adopted by the council". Policy E9 requires special attention to be paid within areas of great landscape value to the effects of development on the surrounding landscape, in particular the siting, design and external appearance of any permitted buildings.
4. As an appendix to the District Plan, the council set out their standards and criteria for extensions to dwellings in the Green Belt; among other things, extensions should be in keeping with the character of the original dwelling in terms of architectural style, detailing, materials and scale; and the scale of extensions to a dwelling must be such that it does not become dominant in the landscape.
5. The council do not challenge the proposal on grounds of style, detailing or materials, but object only on grounds of scale and visual impact upon the rural area. The Parish Council take the same view. In my view the main issues in this case are first, whether the scale of the house, if extended as proposed, would make it unacceptably dominant in the landscape, having regard to the scale of the original house and successive enlargements; and if so whether the personal circumstances of your client and his family are such as to justify a relaxation of strict Green Belt policy to the extent of justifying the further extension now proposed.

6. The parties disagree about what percentage increase is represented by the present proposal. I have considered the arguments on this point, but I prefer to take a broader view, and to decide the appeal by making an assessment of the visual impact of the enlarged dwelling, rather than by arithmetical calculations. I agree with the council, of course, that this project, together with previous enlargements, would have the effect of making the dwelling much larger than it was before about 1964. The present proposal is to demolish the existing detached flat-roofed double garage, and to replace it with a 2 storey pitched-roof wing, matching the wing at the other end of the house, and similarly standing forward of the line of the central, original, part. The new extension would be tile-hung and finished to match the existing elevations. The ground floor would contain a double garage and utility room; the first floor would have 2 new bedrooms, and a further bathroom with new dormer window in the link joining the new wing to the existing house.

7. I find this a difficult case. On the one hand, I consider that the submitted plan would result in a better-looking house, of pleasant symmetrical design and without the suburban-looking flat-roofed garage: the property is remotely situated down an unadopted track, screened by hedges and hardly visible from the main road or from neighbouring houses. The council concede that visual impact could be claimed to be rather limited. On the other hand, the fact that a house is not noticeable is not by itself a good argument for permission, as such an argument could be repeated too often; previous additions have already turned what was a modest country cottage into a substantial house, the accommodation of which is large enough for most families; and I recognise the council's fear of setting a precedent, the effect of which could cumulatively erode the rural character of the area.

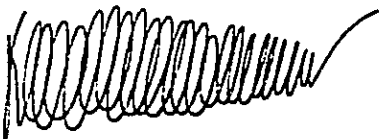
8. As I regard this as a borderline case, I turn to the personal circumstances of your client and his family. I understand that he and his wife have 2 teenage children of their own, and have living as part of the family a niece and nephew, also teenagers, who were orphaned a few years ago and would have been taken into local authority care if your client had not been able to accommodate them. More recently your client has had to offer a home to his widowed father-in-law. Having inspected the existing rooms, I am satisfied that there is genuine need for some extension in order to allow a bedroom to each person, with the provision of reception rooms and bathrooms suitable to the reasonable standards of this extended family.

9. While the loss of a small rural dwelling suitable for persons of modest means and requirements is to be regretted, I feel that Meadow Cottage ceased to be "small" some years ago; and for so long as it stands in some 8 acres of grounds it would be unlikely to be within the financial reach of such persons. Having considered all other matters raised in the representations, including a comparison with other appeal decisions cited by the council, and having weighed architectural and personal factors against the Green Belt arguments, I conclude that your client ought not to be denied the permission he seeks.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a 2 storey side extension to add 2 bedrooms, bathroom and utility room to the existing house at Meadow Cottage, Hornbeam Lane, Essendon, Hertfordshire, in accordance with the terms of the application No C6/133/84 received by the council with sufficient particulars on 7 March 1984, and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun within 5 years of the date of this letter.

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

A handwritten signature in black ink, consisting of a series of overlapping, wavy lines that form a dense, scribbled pattern. The signature is written in a cursive style and ends with a long, sweeping tail that extends to the right.

R M MAXTONE GRAHAM MA(Cantab) Advocate, Legal Assoc, Royal Town Planning Inst
Inspector



**Department of the Environment and
Department of Transport**

Common Services

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APPENDIX B

Messrs Murgatroyds
Solicitors
36 Holywell Hill
ST ALBANS
Hertfordshire AL1 1BT

27 FEB 1985
FILE A396

Your reference
84/AL/115
Our reference
T/APP/C1950/A/84/22127/P4
Date
26 Feb 1985

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR G K MACLEOD
APPLICATION NO: C6/133/84

1. I have been appointed by the Secretary of State to determine the above-mentioned appeal, which is against the decision of Welwyn Hatfield District Council to refuse planning permission for the erection of a 2 storey side extension to add 2 bedrooms, bathroom and utility room to the existing house at Meadow Cottage, Hornbeam Lane, Essendon. I have considered the written representations made by you, by your client's architects, and by the council, as well as the views of the Parish Council. I inspected the site on 28 January 1985.
2. The site is within an area shown diagrammatically in the approved Hertfordshire County Structure Plan as being within the Metropolitan Green Belt. According to the Welwyn Hatfield District Plan, which has undergone its local inquiry but is not yet formally adopted, the site is within the Green Belt and in an area of great landscape value. I have considered whether the site is appropriately included in the Green Belt, but I find no reason to question its inclusion, pending determination of Green Belt boundaries upon the eventual adoption of the District Plan.
3. Policy E1 of the District Plan states that except in very special circumstances, development in the Green Belt will only be permitted for the purposes of agriculture and certain other defined needs, none here relevant, though there is an exception for "limited extensions to existing residential properties where they accord with the standards and criteria adopted by the council". Policy E9 requires special attention to be paid within areas of great landscape value to the effects of development on the surrounding landscape, in particular the siting, design and external appearance of any permitted buildings.
4. As an appendix to the District Plan, the council set out their standards and criteria for extensions to dwellings in the Green Belt; among other things, extensions should be in keeping with the character of the original dwelling in terms of architectural style, detailing, materials and scale; and the scale of extensions to a dwelling must be such that it does not become dominant in the landscape.
5. The council do not challenge the proposal on grounds of style, detailing or materials, but object only on grounds of scale and visual impact upon the rural area. The Parish Council take the same view. In my view the main issues in this case are first, whether the scale of the house, if extended as proposed, would make it unacceptably dominant in the landscape, having regard to the scale of the original house and successive enlargements; and if so whether the personal circumstances of your client and his family are such as to justify a relaxation of strict Green Belt policy to the extent of justifying the further extension now proposed.

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7. I find this a difficult case. On the one hand, I consider that the submitted plan would result in a better-looking house, of pleasant symmetrical design and without the suburban-looking flat-roofed garage; the property is remotely situated down an unadopted track, screened by hedges and hardly visible from the main road or from neighbouring houses. The council concede that visual impact could be claimed to be rather limited. On the other hand, the fact that a house is not noticeable is not by itself a good argument for permission, as such an argument could be repeated too often; previous additions have already turned what was a modest country cottage into a substantial house, the accommodation of which is large enough for most families; and I recognise the council's fear of setting a precedent, the effect of which could cumulatively erode the rural character of the area.

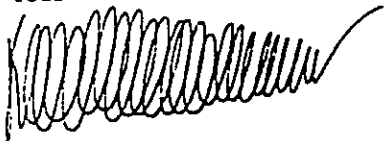
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R. M. MAXTONE GRAHAM MA (Cantab) Advocate, Legal Assoc, Royal Town Planning Inst
Inspector

HERTFORDSHIRE COUNTY STRUCTURE PLAN
APPROVED 1986 REVIEW

WRITTEN STATEMENT



HERTFORDSHIRE COUNTY COUNCIL

POLICY 1

IT IS THE COUNTY COUNCIL'S POLICY TO MAINTAIN A GREEN BELT IN THE SOUTH OF THE COUNTY AS PART OF A GREEN BELT ABOUT 12-15 MILES DEEP AROUND LONDON WITH LIMITED EXTENSIONS ALONG THE MAIN RADIAL TRANSPORT CORRIDORS AS INDICATED ON THE KEY DIAGRAM. THE PRECISE BOUNDARIES OF THIS GREEN BELT ARE DEFINED IN DISTRICT LOCAL PLANS.

Green Belt
around
London

AS A GENERAL INDICATION, THE NORTHERN BOUNDARY FOLLOWS APPROXIMATELY A LINE FROM A POINT ON THE COUNTY BOUNDARY WITH BUCKINGHAMSHIRE, NORTH OF TRING;

ACROSS THE CIVIL PARISH BOUNDARY BETWEEN TRING AND TRING RURAL AND THEN PROCEEDING IN A SOUTHEASTERLY DIRECTION TO PASS IMMEDIATELY TO THE NORTH OF BERKHAMSTED AND HEMEL HEMPSTEAD;

NORTHEAST TO JOIN THE COUNTY BOUNDARY WITH BEDFORDSHIRE, NORTH OF HARENDEN, AND THENCE EASTWARDS AND NORTHWARDS FOLLOWING THE COUNTY BOUNDARY TO ITS NORTHERLY POINT BEYOND HEXTON AND SOUTHWARDS FOLLOWING THE COUNTY BOUNDARY TO A POINT NEAR TELEGRAPH HILL;

SOUTHEAST ON HIGH GROUND TO THE EAST OF LILLEY BOTTOM AS FAR AS THE VICINITY OF KING'S WALDEN AND THENCE SOUTHWARDS, ENCOMPASSING KIMPTON, TO THE VICINITY OF BLACKMORE END AND EAST TO THE A1(M) CORRIDOR WEST OF WELWYN GARDEN CITY;

NORTHWARDS ALONG THAT CORRIDOR TO THE COUNTY BOUNDARY WITH BEDFORDSHIRE BETWEEN HITCHIN AND BALDOCK AND THEN SOUTHWARDS TO A POINT NORTHEAST OF WELWYN GARDEN CITY SO AS TO ENCOMPASS THE TOWNS OF WELWYN GARDEN CITY, STEVENAGE, HITCHIN, LETCHWORTH AND BALDOCK;

EAST ACROSS THE NORTHERN BOUNDARIES OF HERTFORD AND WARE;

SOUTHEAST TO APPROXIMATELY NORTH OF THE LINE OF THE A414 AND FOLLOWING THAT LINE TO THE WEST OF SAWBRIDGEWORTH AND NORTHWARDS TO THE COUNTY BOUNDARY NORTHWEST OF BISHOP'S STORTFORD, ENCOMPASSING THE TOWN IN ACCORDANCE WITH THE INNER GREEN BELT BOUNDARY INDICATED IN POLICY 53.

WHERE DEFINING THE BOUNDARIES OF THE GREEN BELT AROUND SETTLEMENTS THIS WILL BE DONE BY REFERENCE TO THE DEGREE OF LONG TERM EXPANSION OF THE BUILT-UP AREA ACCEPTABLE IN THE CONTEXT OF THE STATED PURPOSE OF THE GREEN BELT.

WITHIN THE GREEN BELT, EXCEPT FOR DEVELOPMENT IN GREEN BELT SETTLEMENTS REFERRED TO IN POLICY 51 OR IN VERY SPECIAL CIRCUMSTANCES, PERMISSION WILL NOT BE GIVEN FOR DEVELOPMENT FOR PURPOSES OTHER THAN THAT REQUIRED FOR MINERAL EXTRACTION, AGRICULTURE, SMALL-SCALE FACILITIES FOR PARTICIPATORY SPORT AND RECREATION, OR OTHER USES APPROPRIATE TO A RURAL AREA; OR THE USE FOR HOSPITALS OR SIMILAR INSTITUTIONAL PURPOSES OF EXISTING LARGE RESIDENTIAL BUILDINGS SITUATED IN EXTENSIVE GROUNDS, PROVIDED (a) THE BUILDINGS ARE NOT

Cont:

SUITABLE FOR CONTINUED RESIDENTIAL USE, AND (b) THE PROPOSED USE IS NOT SUCH AS TO LEAD TO A DEMAND FOR LARGE EXTENSIONS OR FOR ADDITIONAL BUILDINGS IN THE GROUNDS.

THE CIRCUMSTANCES AND LOCATIONS IN WHICH DEVELOPMENT WILL BE ALLOWED WILL ALSO HAVE REGARD TO THE OTHER POLICIES OF THIS PLAN.

POLICY 2

Chilterns Area
of Outstanding
Natural Beauty

WITHIN THE DESIGNATED CHILTERN'S AREA OF OUTSTANDING NATURAL BEAUTY, AS INDICATED ON THE KEY DIAGRAM, THE LOCAL PLANNING AUTHORITIES WILL SUPPORT THE FOLLOWING POLICIES:

- i) THAT THE PRESERVATION OF THE BEAUTY OF THE AREA WILL BE THE PRIME CONSIDERATION;
- ii) THAT AGRICULTURE WILL BE ENCOURAGED TO PROSPER, BUT THAT SOME ASPECTS OF THE MOST UTILITARIAN ECONOMIC ADVANTAGE MAY HAVE TO BE SACRIFICED;
- iii) THAT WHERE APPROPRIATE EVERY EFFORT WILL BE MADE TO SECURE IN THE LONG TERM THE REHABILITATION OF BROADLEAVED WOODLANDS AND THE CO-OPERATION OF THE FOREST OWNERS WILL BE SOUGHT IN THE IMPLEMENTATION OF THIS POLICY;
- iv) THAT WHILE IT IS RECOGNISED THAT THE MAXIMUM PROVISION WILL BE MADE FOR THE GENERAL PUBLIC TO ENJOY THE BENEFITS OF THESE AREAS FOR LEISURE AND RECREATION PURPOSES, PROVISION FOR CONSIDERABLE NUMBERS OF PEOPLE WILL BE LIMITED TO A VERY FEW PLACES OF SPECIAL IMPORTANCE AND INTEREST, AND THAT THE BULK OF THE AREA WILL BE LEFT FOR THOSE WHOSE PRIMARY INTEREST IS NATURAL BEAUTY;
- v) THAT IN RELATION TO ANY CHANGE IN THE EXISTING CIRCUMSTANCES, PRIMARILY OCCASIONED BY DEVELOPMENT IN THE BROAD SENSE OF THAT WORD, THE INTERESTS OF WILDLIFE CONSERVATION WILL BE FULLY CONSIDERED, AND IN THE ECOLOGICALLY MOST IMPORTANT AREAS WILL BE GIVEN HIGH PRIORITY;
- vi) THAT THE AREA WILL NOT BE REGARDED AS ONE OF AVAILABILITY FROM THE POINT OF VIEW OF DEVELOPMENT AND THAT BOTH DEVELOPMENT AND COMMUNICATIONS WILL BE SUBORDINATED TO THE BASIC THEME OF THE AREA OF OUTSTANDING NATURAL BEAUTY;
- vii) THAT MINERAL EXTRACTION WILL BE REGARDED AS A USE UNACCEPTABLE IN THE AREA OF OUTSTANDING NATURAL BEAUTY UNLESS THERE ARE OUTSTANDING NATIONAL OR REGIONAL CONSIDERATIONS JUSTIFYING THE CONTINUANCE OR COMMENCEMENT OF OPERATIONS OF THIS KIND.

POLICY 3

DEVELOPMENT WHICH WOULD RESULT IN THE LOSS OF HIGH QUALITY AGRICULTURAL LAND, CLASSIFIED BY THE MINISTRY OF AGRICULTURE AS BEING OF GRADE 1, 2 OR 3A, WILL NORMALLY BE REFUSED, UNLESS IT CAN BE DEMONSTRATED THAT THERE IS AN OVERRIDING NEED FOR THE DEVELOPMENT AND THERE IS NO ALTERNATIVE LAND OF A LOWER QUALITY WHICH COULD REASONABLY BE USED. ADDITIONALLY, ACCOUNT WILL BE TAKEN OF ANY LOST CONTRIBUTION TO FARM ECONOMICS AND MANAGEMENT, WITH A STRONG PRESUMPTION AGAINST DEVELOPMENT WHICH WOULD FRAGMENT FARM HOLDINGS.

High Quality
Agricultural
Land

POLICY 4

Deleted

Lee Valley
Regional Park

POLICY 5

THE COUNTY COUNCIL SUPPORTS THE CONCEPT OF A COLNE VALLEY REGIONAL PARK FOR THE ACCOMMODATION AND PROMOTION OF APPROPRIATE REGIONAL RECREATION AND LEISURE ACTIVITIES.

Colne Valley
Park

POLICY 6

THE LOCAL PLANNING AUTHORITIES WILL PROMOTE AND SECURE LANDSCAPE CONSERVATION MEASURES AND SUPPORT OTHER AUTHORITIES, AGENCIES AND INDIVIDUALS RESPONSIBLE FOR LANDSCAPE CONSERVATION AND IMPROVEMENTS. THE LOCAL PLANNING AUTHORITIES WILL HAVE REGARD TO THE SETTING, SITING, DESIGN AND EXTERNAL APPEARANCE OF SUCH DEVELOPMENT AS IS PERMITTED, PARTICULARLY IN THE LANDSCAPE CONSERVATION AREAS. THESE AREAS ARE INDICATED ON THE KEY DIAGRAM AND THEIR BOUNDARIES WILL BE DEFINED IN DISTRICT LOCAL PLANS. IMPROVEMENTS TO THE LANDSCAPE WILL BE SOUGHT WHEREVER DEVELOPMENT IS PERMITTED. DEVELOPMENT WHICH WILL HAVE A DETRIMENTAL EFFECT ON THE LANDSCAPE WILL NOT NORMALLY BE ACCEPTABLE.

Landscape
Conservation

POLICY 7

THE LOCAL PLANNING AUTHORITIES WILL PROMOTE AND SECURE LANDSCAPE CREATION, IMPROVEMENT AND ENHANCEMENT MEASURES AND WILL SUPPORT OTHER INTERESTED BODIES RESPONSIBLE FOR LANDSCAPE MANAGEMENT. PRIORITY WILL BE GIVEN GENERALLY TO THE URBAN FRINGE AND PARTICULARLY TO THE IMPROVEMENT OF AREAS DEFINED AS LANDSCAPE DEVELOPMENT AREAS. THESE AREAS ARE INDICATED ON THE KEY DIAGRAM AND THEIR BOUNDARIES WILL BE DEFINED IN DISTRICT LOCAL PLANS.

Landscape
Development

Development
in Towns

POLICY 49

DEVELOPMENT WILL GENERALLY BE CONCENTRATED IN THE TOWNS LISTED BELOW AND INDICATED ON THE KEY DIAGRAM:

BROXBOURNE	CHESHUNT, HODDESDON, WALTHAM CROSS
LACORUM	BERKHAMSTED, HEMEL HEMPSTEAD, TRING
EAST HERTFORDSHIRE	BISHOP'S STORTFORD, HERTFORD, SAWBRIDGEWORTH, WARE
HERTSMERE	BCREHAMWOOD, BUSHEY, POTTERS BAR
NORTH HERTFORDSHIRE	BALDOCK, HITCHIN, LETCHWORTH, ROYSTON
ST ALBANS	HARPENDEN, ST ALBANS
STEVENAGE	STEVENAGE
THREE RIVER	CHORLEYWOOD, SOUTH OXHEY/CARPENDERS PARK, RICKMANSWORTH
WATFORD	WATFORD
WELWYN HATFIELD	HATFIELD, WELWYN GARDEN CITY

POLICY 50

Specified
Settlements

IN THE FOLLOWING SPECIFIED SETTLEMENTS, WHICH ARE INDICATED ON THE KEY DIAGRAM AND WHOSE SURROUNDING GREEN BELT BOUNDARIES ARE DEFINED IN DISTRICT LOCAL PLANS, DEVELOPMENT WILL BE LIMITED TO THAT WHICH IS COMPATIBLE WITH THE MAINTENANCE AND ENHANCEMENT OF THEIR CHARACTER AND THE MAINTENANCE OF THEIR GREEN BELT BOUNDARIES:

BROXBOURNE	GOFF'S OAK
DACORUM	BOVINGDON, KING'S LANGLEY (PART)
EAST HERTFORDSHIRE	HERTFORD HEATH, STANSTEAD ABBOTS, WATTON AND STONE
HERTSMERE	RADLETT
NORTH HERTFORDSHIRE	CODICOTE, ICKLEFORD, KIMPTON, KNEBWORTH, LITTLE WYMONDLEY
ST ALBANS	BRICKET WOOD, CHISWELL GREEN, LONDON COLNEY, PARK STREET, REDBOURN, WHEATHAMPSTEAD
THREE RIVERS	ABBOTS LANGLEY, KING'S LANGLEY (PART)
WELWYN HATFIELD	BROOKMANS PARK, CUFFLEY, DIGSWELL, LITTLE HEATH, OAKLANDS AND MARDLEY HEATH, WELHAM GREEN, WELWYN, WOOLMER GREEN

POLICY 51

APART FROM THE EXCEPTIONS IN POLICY 1 AND IN TOWNS AND SPECIFIED SETTLEMENTS, DEVELOPMENT IN ANY OTHER SETTLEMENT WITHIN THE GREEN BELT WILL NOT NORMALLY BE PERMITTED EXCEPT FOR:

- i) THE HOUSING AND EMPLOYMENT NEEDS OF AGRICULTURE, FORESTRY, LEISURE AND LOCAL SERVICES IN THE RURAL PART OF THE DISTRICT THAT CANNOT PRACTICABLY BE MET IN A LOCATION OUTSIDE THE GREEN BELT;
- ii) THE LOCAL FACILITIES AND SERVICE NEEDS OF THE SETTLEMENT IN WHICH THE DEVELOPMENT IS PROPOSED.

Other
Settlements
within the
Green Belt

POLICY 52

IN RURAL AREAS BEYOND THE GREEN BELT SETTLEMENTS MAY BE SELECTED IN DISTRICT LOCAL PLANS WHERE DEVELOPMENT MAY BE PERMITTED SUBJECT TO THE PROPOSED DEVELOPMENT BEING (a) COMPATIBLE WITH THE MAINTENANCE OR ENHANCEMENT OF THE CHARACTER OF THE SETTLEMENT, AND (b) CONSISTENT WITH THE OTHER POLICIES OF THIS PLAN. DEVELOPMENT OUTSIDE THESE SETTLEMENTS WILL BE ALLOWED ONLY WHERE STRICTLY NECESSARY FOR AN AGRICULTURAL OR FORESTRY PURPOSE OR FOR ANY PROVEN NEED FOR LOCAL COMMUNITY SERVICES THAT CANNOT BE MET WITHIN A SETTLEMENT.

Rural
Settlements
beyond the
Green Belt

POLICY 53

CHANGES TO THE INNER BOUNDARY OF THE GREEN BELT WILL BE MADE NORTH-EAST OF STEVENAGE.

Inner
Boundaries of
the Green Belt

NOTWITHSTANDING THE PROVISIONS OF POLICY 1, PROPOSALS FOR THE RE-USE AND REDEVELOPMENT OF REDUNDANT HOSPITAL LAND AND BUILDINGS AT LEAVESDEN/ABBOTS LANGLEY, SHENLEY, NAPSURY AND HILL END/CELL BARNES WILL BE CONSIDERED IN THE LIGHT OF THE GUIDANCE IN DOE CIRCULAR 12/87.

AS A GENERAL INDICATION, THE INNER BOUNDARY OF THE GREEN BELT AT BISHOP'S STORTFORD WILL TO THE NORTH FOLLOW THE LINE OF THE A120 BYPASS AND TO THE WEST RUN SOUTH FROM THE BYPASS TO THE VICINITY OF THORLEY HOUSES AND TO THE SOUTH AND EAST RUN FROM THE VICINITY OF THORLEY HOUSES CLOSE TO THE EXISTING BUILT-UP AREA OF THE TOWN TO THE COUNTY BOUNDARY IN THE VICINITY OF THE A120 BYPASS.

6. MISCELLANEOUS STANDARDS AND CRITERIA

6.1 Tree Preservation

Under the Town and Country Planning Act 1971 and the Civic Amenities Act 1967 (Part II) local authorities can make tree preservation orders on both individual and groups of trees to safeguard them as amenity features. Under the Town and Country Amenities Act 1974 all trees in Conservation Areas are afforded some protection, and the District Council must be given at least 6 weeks written notice of any intention to lop or fell trees, and given the opportunity to serve a Tree Preservation Order.

If a tree or groups of trees is under threat from felling or lopping the Council may serve a Tree Preservation Order (T.P.O.) to protect them if it can be established that the tree or group of trees make a positive and significant contribution to the amenity of the area. If a tree or group of trees are already protected by a T.P.O. any proposal to fell or lop will be carefully assessed in relation to the value of the trees as an amenity and to the need for the work. Where consent is granted to fell, the District Council will normally require the planting of suitable replacements.

Where new houses are planned on a well treed site, the siting of those houses should pay due regard to the retention of as many trees as possible.

6.2 Control of Advertisements

In order to protect the environment from the damaging effects of indiscriminate or unsympathetic advertisements, the Council has power to restrict and regulate the display of advertisements under the Town and Country Planning (Control of Advertisements) Regulations. These regulations provide for the control of the dimensions, position and siting of both outdoor and window advertisements and illuminated signs. Consent, when granted, protects against any action by the Council for a period of five years. A limited number of advertisements may be displayed without consent and these are specified in detail in the Regulations.

In controlling advertisements which require express consent, the Council will seek to ensure that the identity and character of any building or area is not prejudiced by unsympathetic signs. Advertisements must complement their surroundings rather than be displayed in spite of their surroundings, and should not give a cluttered appearance. They must not be detrimental to local amenity



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Your reference
RL/3071
Our reference
T/APP/C1950/A/90/146526/P8

Date

15 JUN 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR G K MacLEOD
APPLICATION NO:- S6/0652/89/OP

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Welwyn Hatfield District Council to refuse outline planning permission for the demolition of an existing house and the construction of a replacement dwelling at Spike Island, Hornbeam Lane, Essendon. I have considered the written representations made by you and by the Council and I inspected the site on 8 May 1990.
2. The appeal site is located within the Metropolitan Green Belt and, from the representations made and my inspection, I therefore consider that the main issue to be decided in this case is whether such very special circumstances exist as to justify overriding the general presumption against inappropriate development in the Green Belt and, if not, whether the development would be harmful to the objectives of national and local Green Belt policies.
3. It is Government policy, as expressed in PPG2, that any new building in a Green Belt is normally to be regarded as inappropriate development unless required for purposes, such as agriculture or forestry, which are considered to be appropriate in a rural area. The thrust of this policy is carried forward into the Approved Hertfordshire County Structure Plan 1986 Review and the draft District Plans, although emerging policies envisage a limited scope for replacement dwellings.
4. You have not suggested that the proposed dwelling is required for agricultural or any kindred purpose and it would therefore be inappropriate development in terms of prevailing Green Belt policies. Furthermore, I do not consider that the application is founded on any factors which might reasonably be regarded as very special circumstances, nor is there any evidence that the existing dwelling is not capable of habitation, being the principal test that this type of proposal is expected to satisfy under Policy GB5 of the draft District Plan, which was adopted for development control purposes in September 1989. It remains for me to consider, nonetheless, whether the development would be harmful to the objectives of Green Belt policies and, in particular, to the Green Belt purposes as identified in paragraph 4 of PPG2.
5. The appeal site is set in a hilly landscape of woodland and fields about 1½ miles from the centre of the village of Essendon. It is approached from Hornbeam Lane, an unmade road which reduces to a grassed bridleway beyond the vehicular access to your client's property. The Lane also provides access to 3 other dwellings which are grouped together some 300 m to the north-west, towards its junction with the B158 (Kentish Lane). The site itself is some 0.19 ha in area

and is occupied by the existing 2-storey detached house and double garage, located towards the south-eastern corner, together with 2 separate stable blocks and an outdoor swimming pool.

6. Your client is seeking outline planning permission only, but I note that the means of access to and the siting of the dwelling form part of the application and that the proposed dwelling would have a floorspace of 530 sq m. There is disagreement however between you and the Council as to the size of the existing dwelling, including permitted extensions, against which that figure should be compared. It is evident that the original dwelling on this site, Meadow Cottage, has been significantly altered and extended over time and you calculate that the present house has a gross floor space of 330 sq m which would be increased to 591.8 or 613.1 sq m if 2 permissions for extensions were fully implemented. I am told that the discrepancy between the figures for the size of the house as extended, is based upon whether an open verandah is taken into account.

7. The Council argues however that the appropriate figure should be 397 sq m because part of the permitted extensions would encroach onto the adjoining bridleway and cannot therefore be legally implemented. It appears from the representations that this matter, and its possible resolution, is still in dispute, but it is not uncommon that legal impediments may exist to the implementation of a valid planning permission and, in the context of this appeal, I consider that the effect of the planning history of the site is that I am entitled to take into account not only the existing house but also the full size of the 2 extensions in question. Even if I am wrong in this respect, I am of the opinion the addition of the undisputed extension would create a dwelling sufficiently comparable in floor area to that proposed for comparisons of size not to be a significant issue in this appeal.

8. That being so, I consider that the crucial aspect of this case is whether the dwelling would harmfully compromise the Green Belt purpose which I regard as being relevant to the proposal, namely, the safeguarding of the surrounding countryside from development. In most circumstances, I would look upon even one additional dwelling in the Green Belt, however well concealed from view, as being unacceptable because such a development could be repeated too often and the face of the countryside would suffer change.

9. This appeal however, is concerned not with an additional dwelling but with a replacement dwelling of comparable size and within the curtilage of the existing house. At my inspection, it was apparent that the present building is visible to a varying extent from different viewpoints. I would also accept that its visibility may vary seasonally, according to the amount of leaf cover. Nonetheless, the footprint of the proposed dwelling would overlap the existing and such is the fall of the land that I do not consider that it would be significantly more prominent. Indeed, given the opportunity for additional planting, such as that illustrated on your drawing No 103A, in my opinion, the development would have the effect, not of encroaching into the countryside, but rather of reducing the impact of habitation in this area. It is not at all clear to me why your client would wish to incur the expense of the development when no evidence has been advanced that the existing dwelling is either unsound or inadequate but, having regard to all the circumstances of the case, I do not consider these to be material considerations.

10. In summary, therefore, I conclude that planning permission should be granted, subject to conditions. It is of paramount importance to ensure that the existing dwelling is demolished and that an approved landscaping scheme is carried out. Having regard to the sensitivity of the site, I also consider it reasonable that permitted development rights should be restricted and prior approval required of the external materials to be used. In my view however, it is not necessary, as suggested by the Council, to require that the development be carried out only in accordance with approved plans and drawings because that would follow from the terms