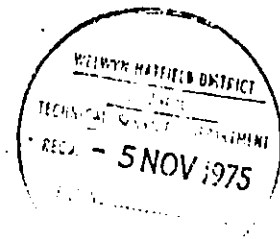


PR



Department of the Environment
Caxton House, Telford Street London SW1H 9LZ

Telephone 01 834 8540 ext 352



Messrs Waltons
Solicitors
4 George Street West
LUTON
 Beds LU1 2BY

Your reference
GTP/HT
Our reference,
APP/2433/A/74/260
APP/5256/A/75/244
Date
2/11/75

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36
APPEALS BY WINDSON ESTATES LIMITED
APPLICATION NOS 16/3202 - 73 and W/2868 - 73

WJA/RB *copy to be sent to...*

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mr N R Fennell BSc PhD FRICS FRIPFI FCA who held a local inquiry into your clients' appeals against the decisions of the former Hatfield Rural District Council, and the former St Albans Rural District Council, both acting on behalf of the former Hertfordshire County Council, to refuse planning permission for the erection of 141 dwelling houses and the construction of estate roads on some 13 acres of land at Bullens Green Lane and Fellowes Lane, Colney Heath. A copy of the report is enclosed.

2. The Inspector said in his conclusions:-

"I am of the opinion that the pleasant open countryside of which the appeal site forms part and which extends to the east and south is valuable in preventing the coalescence of the parts of Colney Heath and essential to the retention of the separation between St Albans, Hatfield and Welhamgreen.

It is clear from the volume of objections that local residents value the tranquillity of the area and the open nature of the surroundings can be enjoyed from Bullens Green Lane and the footpaths. The scale of the proposals and the resultant widening of the frontage lanes would, I consider, be a major urban intrusion which would detract from this prized element of rural tranquillity.

I accept the council's view that Bullens Green Lane and Fellowes Lane would not constitute defensible boundaries and that further incursions into the Metropolitan Green Belt would be more difficult to resist if the appeal were allowed.

The argument as to housing need was confined to inferences drawn from recent appeal decisions in the St Albans District. It is apparent that the release of the Jersey Farm land on appeal has eased the land availability situation and that both councils are currently able to satisfy the requirements of Circular 102/72. In my view there is no evidence of the most exceptional circumstances which would justify overriding the strong presumption against housing in the Metropolitan Green Belt.

Although the proposals are for relatively low cost housing which it is the policy to facilitate and encourage under Circular 24/75, the proposals would strain the school facilities to the detriment of the community as a whole. The playing field and the margin of well grown trees continues to form an effective eastern boundary to the developed area and, in my view, the proposals are out of scale and cannot be

considered as an acceptable rounding off. I see no special reason to justify such development here."

The Inspector recommended that the appeals should be dismissed.

3. The Secretary of State agrees with the Inspector's conclusions and accepts his recommendation. Therefore he hereby dismisses both of the appeals.

I am Gentlemen
Your obedient Servant

E J FUDGE

Authorised by the Secretary of State
to sign in that behalf

Department of the Environment
2 Marsham Street
LONDON SW1P 3BB

RIGHT TO CHALLENGE THE DECISION

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given.

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No 419), which relate to the procedure on cases dealt with by the Secretary of State.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

RIGHT TO INSPECT DOCUMENTS

Under the provisions of rule 13(3) of the Town and Country Planning (Inquiries Procedure) Rules 1974 any person entitled to be notified of the decision given in the accompanying letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, or the supply to him of the Inspector's report, whichever is the later, for an opportunity of inspecting any documents, photographs and plans appended to the report. Such documents etc are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days' notice should be given, if possible.

FAV/P

HERTFORDSHIRE COUNTY COUNCIL
WELMTH HATFIELD DISTRICT COUNCIL
and
CITY AND DISTRICT OF ST ALBANS COUNCIL

APPEALS

by

WINDSON ESTATES LIMITED

Inspector: K R Fennell BSc PhD FRICS FRTPI FSA
Date of Inquiry: 12 August 1975
File Nos: APP/2133/A/74/360
APP/5256/A/75/244

2 Marsham Street

London SW1

18 September 1975

To The Right Honourable Anthony Crosland MP
Secretary of State for the Environment

Sir

I have the honour to report that on 12 August 1975 I held an inquiry at the Council Offices, The Campus, Welwyn Garden City into 2 appeals by Winsdon Estates Limited under section 36 of the Town and Country Planning Act 1971 against the refusals of the former Hatfield and the former St Albans Rural District Councils, acting on behalf of the Hertfordshire County Council, to permit the erection of 141 dwelling-houses and garages and the construction of access thereto on land at Bullens Green Lane and Fellowes Lane, Colney Heath.

1. The reasons for refusal were:-

1. The site is within the Metropolitan Green Belt as defined in the approved County Development Plan, where it is the policy of the Local Planning Authority not to allow development unless it is essential for agriculture or other genuine Green Belt purposes, or unless there is some other quite outstanding reason why permission should be granted. No such purpose or reason has been advanced.
2. The development of this area of land not designated for residential purposes will place a strain on the existing educational facilities in the area, which can only be provided having regard to expected demand generated by areas already shown for residential purposes on the County Development Plan.

Identical reasons were given by both former councils.

It was agreed that the layout submitted was illustrative only and not a part of the application.

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. Colney Heath is a small dispersed settlement lying to the west of the A1 Barnet by-pass and immediately south of the A405 and almost equidistant between the built-up areas of St Albans and Hatfield New Town, the fringes of which are about one mile to the north-west and to the north-east respectively. The village of Welhamgreen is about one mile to the east (Plan C).
4. Development straggles south-eastwards along the B5426 High Street and Tollgate Road, north-eastwards along the B556 Rocstock Lane almost to its junction with the A1, and southwards for a short distance along Bullens Green Lane which, running north to south, forms the third side of the triangle of roads at the eastern side of Colney Heath (Plans B and C).

5. Housing in the south-west apex of the triangle is mainly post-war and includes an estate of 1, 2 and 3-storey dwellings. In the northern apex is mainly inter-war semi-detached housing along the road frontages and in Roestock Gardens. Lying between these 2 areas is a water pumping station standing in large grounds enclosed with a substantial belt of tall poplars, a playing field with trees within the site and on its eastern boundaries some of which are dead, and the appeal site (Plan B).

6. The appeal site is an irregular flat area of some 13 acres, under arable cultivation, with a long eastern frontage to Bullens Green Lane and part of its southern frontage to Fellowes Lane, the western part of that frontage being behind buildings fronting on to that lane. There are well grown hedges along the northern and southern boundaries, along the southern half of the eastern frontage, and the western boundary with tree cover behind in the adjoining land (Plan A).

7. Apart from the group of 4 old cottages at the crossroads, the land to the east and south-east of the developed area of Colney Heath is open agricultural land, rising towards the south-east where woodland conceals the electricity sub-station and forms the skyline to east and south. The rural character extends beyond the Barnet by-pass which is mainly concealed by trees, by cutting, and by the grassed embankment of the A1001 crossover (Plan B).

8. Bullens Green Lane and Fellowes Lane are both single track country lanes with narrow carriageways of about 12 ft and grass verges. To the west through the estate, Fellowes Lane has become suburbanised with a kerbed carriageway of about 18 ft, street lighting and a 30 mph speed limit. There are 2 footpaths on the northern part of the appeal site converging on the north-west corner and Roestock Lane (Plan B).

THE CASE FOR THE APPELLANTS

The material points were:-

9. The appellants were established developers operating mainly in the northern Home Counties and building low cost houses at reasonably high density. They would develop the site themselves and had an option to purchase with vacant possession, which was readily available, there being no agricultural tenant.

10. The proposals, in outline only, were for the erection of 141 relatively low cost houses. The appellants aimed to build 3 bedroom houses of about 800 sq ft to sell at around £13,000 to £14,000. The density should be as high as possible but, if the proposed 11 houses to the acre were considered too high, a limiting condition would be acceptable (Plan A).

11. If the appeal were allowed only the layout and highway matters had to be resolved. The public footpath along the northern boundary of the site would be diverted as shown in the illustrative layout and that along the north-western boundary would not be affected. The appellants would meet the requirements of the Highway Authority and enter into a S52 agreement (Plan A).

12. There was now a much more acute national and regional housing need than at the time of the previous refusals, resulting from population change, greater movement out of London than had been envisaged in 1950/60, and lower occupancy rates. The Jersey Farm appeal decision of January 1974 showed that there was a shortage of land for housing in Hertfordshire amounting to a shortfall for some 67,000 persons between the contribution envisaged in Hertfordshire 1981 and the Strategic Plan for the South East (Documents 10, 11 and 16).

13. The Nightingale Lane appeal decision of June 1975 confirmed that there was an acute temporary shortage of land for low cost housing in the private sector. There was no evidence that the pressure for private housing was decreasing or that the supply of land was increasing (Document 19).
14. The decreasing number of private housing starts was a matter of concern to both councils. The proposals, which could be started within 18/24 months, would meet the acute need and make a significant contribution to the supply of new houses in the St Albans area, to which the site was more accessible.
15. House completion rates had fallen off, resulting in a reduced average rate and the councils' current land availability figures, if based on the former average rates, would be reduced to 5.5 years supply. The 5 years supply suggested in Circular 102/72 was a minimum not a maximum and there was a preponderance of local authority land included.
16. The appeal site had good road communication with the A1 and the orbital link to the M1 and M10 and there were good public services with St Albans and Hatfield. All services and infra-structure were available and it was important to develop such sites to make economic use of road and rail services.
17. There was no agricultural objection to the proposals and public access and trespass made good husbandry difficult. The site did not fulfil any of the Green Belt purposes and the proposals would not seriously affect the aims and objectives of Metropolitan Green Belt policy.
18. The appeal site was not open country, nor did it form a part of the area of open country to the east of Bullens Green Lane. The effectiveness of the Green Belt had been limited by the encouragement given to the southward spread of Hatfield (Document 14 Plans B and C).
19. The site was surrounded on 3 sides by development which would have spread further to the east but for the arbitrary council boundary and it was within the confines of the village. The site was an incursion into the irregular pattern of the existing village which was defined by the road pattern and Bullens Green Lane on the east (Document 14 Plans F and B).
20. The landscape was classified by the council as of average quality only and, apart from the attractive views over the rural land to the south-east from the footpath along the northern boundary, the site made no contribution to public recreation and enjoyment. Viewed from the east the backcloth of development reduced the effectiveness of the site as an open amenity.
21. The only qualification for inclusion in the Green Belt was that the appeal site was a part of a vast blanket area which included the developed areas of Colney Heath. The proposals would round off the development and leave the Green Belt with defensible boundaries (Plans F and B).
22. The council was responsible for the provision of educational facilities, the increased child population attributable to the proposals was an uncertain factor and there was space within the primary school site for extensions (Plan B).
23. It was understandable that local residents did not wish housing needs to be met here but the matter had to be looked at on general policy grounds and in the public interest. The circulars made it right to look at the fringes of the Green Belt to find land for housing and to weigh the contribution the site would make to housing need against the contribution to the Green Belt. The loss of view from the footpath was a relatively small price to pay for housing gain.

THE CASE FOR THE PLANNING AUTHORITIES

The material points were:-

- 24. Colney Heath had a population of some 4,300 and was partly in Welwyn Hatfield district and partly in St Albans district. The boundary between the 2 local planning authorities ran north-south through the centre of the appeal site but there was no physical demarcation. Both councils were at one in resisting the proposals. Bullens Green Lane and Fellowes Lane were affected by widening lines and if the appeal were allowed should be widened to provide 22 ft carriageways and 2/6 ft footways (Document 9 Plan D).
- 25. In the approved First Review of the Hertfordshire County Development Plan the appeal site was shown in the Metropolitan Green Belt. In the submitted written statement Colney Heath had been included as a "listed village" where a small amount of infilling would be approved within defined areas. The 2 defined areas in Tollgate Lane and Fellowes Lane had been developed with flats and houses (Document 20 Plans D and B).
- 26. In 'Hertfordshire 1981' which was a non-statutory document adopted by the county council after public consultation setting out planning objectives and policies until the preparation of the County Structure Plan, the Green Belt policy affecting the appeal site had been firmly reiterated and Colney Heath, following the development of the 2 listed sites was now a Green Belt Village (Document 20 Plan D).
- 27. The appeal site was in agricultural use and there were 2 well used footpaths on the northern part of the site, that along the northern boundary being shown on the definitive map. The 2 previous appeals in 1955 and 1967 had been dismissed, there had been no overriding change of circumstances and the decisions were still relevant (Documents 10 and 11).
- 28. The purpose of Green Belt policy as set out in Circular 42/55, Command 5280 and the development plan was to prevent urban sprawl and to enhance the amenity of the whole area. It was policy to draw the boundary tightly around the larger settlements and to include the smaller communities not considered suitable for other than minor infilling within the Green Belt (Document 20 Plans D and E).
- 29. The proximity of other settlements around Colney Heath made it important to preserve the intervening rural areas to avoid coalescence and further loss of rural character. The appeal site was an open wedge which made a valuable contribution to that character and reduced the impact of the sporadic development (Document 20 Plans B and C).
- 30. The playing field and trees about the pumping station on the west reduced the views of the housing to the west, Bullens Green Lane was not a physical break and the appeal site was related to the open country to the east and south. Whether viewed from the east, or across the site from the public footpath, from which there were pleasant views to the south and east, the site had considerable visual amenity (Plan B).
- 31. The proposals would consolidate visually unrelated development into one far larger and visually obtrusive housing development which would have a substantial impact on the rural character of the eastern end of Colney Heath. The land to the south and other adjoining Green Belt land would be at risk.
- 32. The need for the Green Belt in the Colney Heath area had been accepted by the Secretary of State in approving the Development Plan and in appeal decisions. In decision letters dismissing 4 recent appeals in the vicinity reference was made to the need to maintain the Green Belt about Colney Heath even in the light of urgent housing need (Documents 12, 13, 14 and 15).

33. The Circular 102/72 return January 1975 showed that Colney had 7.2 years supply and St Alb Jersey Farm appeal land which

and availability in the county, updated to there was some 7.5 years supply. Welwyn Hatfield District had 7.8 years supply which included the about 3 years supply (Document 16).

34. Both councils were satisfied the Structure Plan which was 15 that the proposals would add amount of this size could prejudice Plan for the South East said the ment in the southern part of PL

that there was sufficient land available pending to be submitted in 1976. The appellants conceded to the development of Colney Heath and a develop- proposals of the Structure Plan. The Strategic was little or not potential for further develop- Area 14, which included Colney Heath.

35. No site works had been carried for 1,500 units and 40 units re urgent housing need alone and 2 that there was sufficient land

at Jersey Farm or at Erockmans Park where land had been allowed on appeal on grounds of recent appeals which had been dismissed stated (Documents 16 and 17, 18 and 19).

36. There were 262 pupils at the was anticipated that a classroom school would not be able to cope adverse effect on the education

school where the optimum number should be 210 and it had to be added in the current financial year. The intake from 141 houses and there would be the community as a whole.

37. The selling price of £13,000 time buyers. The circulars on the Annex to Circular 122/77 Green Belt areas. There were no there was no overriding housing Green Belt functions.

£14,000 would be beyond the reach of most first need, issued since the appeal decision of 1967, emphasised the continued need for the protection of special circumstances in the present proposals and to release the appeal site which performed specific

THE CASE FOR INTERESTED PERSONS

38. Mr P A Langridge an owner/10 years presented an objection in Bullens Green Lane. The area Residents did not want the lane. Assessments of landscape were worked in the east end of London.

longer resident in Bullens Green Lane for some petition signed by well over 85% of local residents a quiet and peaceful rural setting with no traffic. need nor to be forced to put up fences and gates. the area was a paradise to someone who (Documents 3, 4 and 5).

FINDINGS OF FACT

39. I find the following facts:

1. Colney Heath is a settlement on the west of the A1 Barnet
2. The fringes of St Albans north-west and north-east are about one mile to the east.
3. The eastern side of the triangle of roads known as Bullens Green Lane which runs roughly north-south
4. The appeal site is situated on a frontage to Bullens Green Lane. There are 2 public footpaths

1. a settlement of some 4,300 population lying to the north and south of the A405.
2. The villages of Hatfield New Town and Welhamgreen are about one mile to the north and south respectively. The village of Welhamgreen is about one mile to the north and south respectively.
3. The developed area of Colney Heath lies within a triangle of roads known as Bullens Green Lane B556, Tollgate Road B6426, and Bullens Green Lane which runs roughly north-south and links the other 2.
4. The appeal site is situated on a frontage to Bullens Green Lane. There are 2 public footpaths on the northern part of the site.

5. Bullens Green Lane and Fellowes Lane have narrow carriageways about 12 ft wide and grass verges along the site frontages. The council would require both to be widened to provide 22 ft carriageways and 2/6 ft footways.
6. To the west of the site is a playing field with trees and the grounds of a pumping station surrounded by a substantial belt of tall poplars. Further to the west is an estate of post-war 1, 2 and 3-storey dwellings extending partly along the southern boundary of the site.
7. To the north are mainly older 2-storey dwellings behind a well grown hedgerow.
8. To the south of Fellowes Lane and to the east of Bullens Green Lane is open country which rises to a wooded area in the south-east and extending beyond the A1.
9. The proposals are in outline only for the creation of 141 dwellings. It is intended that they should be of some 800 sq ft to sell at relatively low cost.
10. The appeal site is within the Metropolitan Green Belt notation in the approved First Review of the Hertfordshire County Development Plan and in the non-statutory policy document 'Hertfordshire 1981'; and Green Belt policy is set out in the written statement to the development plan.
11. The 2 areas in Colney Heath defined for development in the written statement have been developed and the village is now shown in 'Hertfordshire 1981' as a Green Belt village.
12. The 2 respondent councils are able to show more than 5 years supply of housing land. The land available in St Albans district includes the land at Jersey Farm, allowed on appeal, which accounts for some 3 years supply.
13. The number of pupils in the Colney Heath primary school is in excess of the optimum and an additional classroom is proposed.
14. There are many representations from local residents against the proposals.

CONCLUSIONS

40. Bearing these facts in mind, I am of the opinion that the pleasant open countryside of which the appeal site forms part and which extends to the east and south is valuable in preventing the coalescence of the parts of Colney Heath and essential to the retention of the separation between St Albans, Hatfield and Welhamgreen.
41. It is clear from the volume of objections that local residents value the tranquillity of the area and the open nature of the surroundings can be enjoyed from Bullens Green Lane and the footpaths. The scale of the proposals and the resultant widening of the frontage lanes would, I consider, be a major urban intrusion which would detract from this prized element of rural tranquillity.
42. I accept the councils' view that Bullens Green Lane and Fellowes Lane would not constitute defensible boundaries and that further incursions into the Metropolitan Green Belt would be more difficult to resist if the appeal were allowed.
43. The argument as to housing need was confined to inferences drawn from recent appeal decisions in the St Albans District. It is apparent that the release of the Jersey Farm land on appeal has eased the land availability situation and that both

councils are currently able to satisfy the requirements of Circular 102/72. In my view there is no evidence of the most exceptional circumstances which would justify overriding the strong presumption against housing in the Metropolitan Green Belt.

44. Although the proposals are for relatively low cost housing which it is the policy to facilitate and encourage under Circular 24/75, the proposals would strain the school facilities to the detriment of the community as a whole. The playing field and the margin of well grown trees continues to form an effective eastern boundary to the developed area and, in my view, the proposals are out of scale and cannot be considered as an acceptable rounding off. I see no special reason to justify such development here.

RECOMMENDATION

45. I recommend that both appeals be dismissed.

I have the honour to be
Sir
Your obedient Servant

K R FERRIELL

APPEARANCES

FOR THE APPELLANTS

Mr Desmond Keune

- of Counsel, instructed by Messrs Waltons, Solicitors, 4 George Street West, Luton, Beds, LU1 2BY.

He called:

Mr A J Griffiths

- Departmental Manager, Messrs Stimpson, Lock & Vince, Chartered Surveyors, 9 Station Road, Watford.

FOR THE PLANNING AUTHORITY

Mr William John Anderson

- Senior Legal Assistant, Welwyn Hatfield District Council, (appearing also on behalf of the City and District of St Albans Council).

He called:

Mr M J Ledger AMCS

- Development Control Officer, Welwyn Hatfield District Council.

INTERESTED PERSONS

Mr P A Langridge

- 58 Bullens Green Lane, Colney Heath, Herts. (Local resident appearing as objector and also on behalf of other local residents objecting to proposal.)

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Copy of letter informing local residents of inquiry.
- Document 3 - Letter of objection from Mr P A Langridge.
- Document 4 - Statement of objection made on behalf of local residents by Mr P A Langridge.
- Document 5 - Petition from local residents objecting to proposals (about 87 signatures/43 addresses).
- Document 6 - Three letters of objection from Bullens Green Lane residents.
- Document 7 - Six letters of objection from Roestock Gardens residents.

DOCUMENTS CONT'D

Document 8 - Four letters of objection from Roostock Lane residents.

Document 9 - Letter from Secretary, City and District of St Albans Council.

(NB Documents 10-19 inclusive are copies of decision letters on previous appeals on the appeal site and in the vicinity. See Plan C.)

Document 10 - 1955 on appeal site.

Document 11 - 1967 on appeal site.

Document 12 - 1971 High Street, Colney Heath.

Document 13 - 1973 High Street, Colney Heath.

Document 14 - 1974 Bullens Green Lane, Colney Heath.

Document 15 - 1975 Sleafshyde, Colney Heath.

Document 16 - 1974 Jersey Farm, St Albans.

Document 17 - Brookmans Park.

Document 18 - Park Street, St Albans.

Document 19 - 1975 Nightingale Lane, St Albans.

Document 20 - Extracts from Written Statement on Metropolitan Green Belt and from "Hertfordshire 1981" on village classification.

PLANS

Plan A - Application plan, scale 1/2500, and illustrative layout.

Plan B - Location plan, scale 1/2500, showing immediate environs.

Plan C - Location plan, scale 1/10560, showing built up areas and relationship to St Albans and Hatfield.

Plan D - Extract Hertfordshire County Development Plan.

Plan E - Extract "Hertfordshire 1981".

Plan F - Location plan, scale 1/10560.