

# Dacorum Borough Council

## Development Management

The Forum  
Marlowes  
Hemel Hempstead  
Herts  
HP1 1DN



### PLANNING CASEWORK DELEGATED REPORT

20/03636/FUL	Replacement fencing	
Site Address:	Plot 17 Land South East Of Church Road Little Gaddesden Hertfordshire	
Applicant/Agent:	Mr Steven Kinson	
Case Officer:	Natasha Vernal	
Parish/Ward:	Little Gaddesden Parish Council	Ashridge

### RECOMMENDATION

That planning permission be REFUSED.

### SITE DESCRIPTION

The application site is located to the southern side of Church Road in Little Gaddesden, at the bend in the road immediately opposite the Grade I church of St Peter and St Paul. The application site is open and currently only partially enclosed by timber post and wire fencing. The site together with the surrounding fields are accessed by gates on the plot next door to the application site. There is a public right of way crossing the application site, with pedestrian gates opposite the church and further to the rear.

### PROPOSAL

This application seeks full planning permission for the replacement fencing.

It should be noted that planning permission was recently refused under LPA ref: 20/01927/FUL for the replacement of existing damaged fencing/hedge with post and rail fencing. Relocate existing access gate to the field. The previous scheme was refused on the grounds of impacts on the AONB, Little Gaddesden Conservation Area and the Grade I Listed Building.

### PLANNING HISTORY

Planning Applications (If Any):

4/02353/19/LBC - Variation of condition 6 (approved plans) attached to planning permission  
4/02049/17/lbc (extension of existing single storey vestry building adjacent to the church.  
extension of link between vestry and church buildings. Construction of glazed roof and w  
GRA - 6th November 2019

4/02352/19/ROC - Variation of condition 9 (approved plans) attached to planning permission 4/02048/17/ful (extension of existing single storey vestry building adjacent to the church. extension of link between vestry and church buildings. Construction of glazed roof and w  
*GRA - 6th November 2019*

4/02036/19/DRC - Details as required by condition (condition 2 - materials condition 3 - details of windows and doors, condition 5 - hard surfacing) attached to planning permission 4/02049/17/lbc (extension of existing single storey vestry building adjacent to the church.  
*GRA - 1st October 2019*

4/02035/19/DRC - Details as required by condition 2 - (materials condition) 3 - (details of windows and doors) condition 7 - (gas protection measures) condition 8 - (hard surfacing) attached to planning permission 4/02048/17/ful (extension of existing single storey vestry  
*GRA - 1st October 2019*

4/01594/19/DRC - Details as required by condition 5 (written scheme of investigation) as required by planning permission 4/02048/17/ful (extension of existing single storey vestry building adjacent to the church. extension of link between vestry and church buildings. Con  
*GRA - 7th August 2019*

4/02788/17/TCA - Works to trees  
*RNO - 4th December 2017*

4/02049/17/LBC - Extension of existing single storey vestry building adjacent to the church. extension of link between vestry and church buildings. Construction of glazed roof and west end wall. partial glazing to east end wall of link Area.  
*GRA - 7th February 2018*

4/02048/17/FUL - Extension of existing single storey vestry building adjacent to the church. extension of link between vestry and church buildings. Construction of glazed roof and west end wall. partial glazing to east end wall of link Area.  
*GRA - 7th February 2018*

4/00649/15/TCA - Works to trees  
*RNO - 31st March 2015*

4/03517/14/TCA - Fell two scots pine trees  
*RNO - 8th January 2015*

4/01492/93/RES - Submission of details pursuant to condition 2 landscaping of p/p 4/0931/93  
*WDN - 23rd February 1995*

20/01927/FUL - Replace existing damaged fencing/hedge with post and rail fencing. Relocate existing access gate to the field.  
*REF - 14th September 2020*

20/02132/TPO - Works to tree

*GRA - 10th September 2020*

Appeals (If Any):

20/00068/REFU - Replace existing damaged fencing/hedge with post and rail fencing. Relocate existing access gate to the field.

VALID -

## **CONSTRAINTS**

Special Control for Advertisements: Advert Spec Contr  
Area of Archaeological Significance: 31  
Area of Outstanding Natural Beauty: CAONB outside Dacorum  
Article 4 Directions: LAND ADJ CHURCH ROAD & R/O NETTLEDEN ROAD LITTLE GADDESSEN  
Article 4 Directions: Land to the South East of Church Road Little Gaddesden  
CIL Zone: CIL1  
Conservation Area: LITTLE GADDESSEN  
Former Land Use (Risk Zone):  
Parish: Little Gaddesden CP  
RAF Halton and Chenies Zone: Red (10.7m)  
Rural Area: Policy: CS7  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3  
Tree Preservation Order: TPO576, Details of Trees: Trees of whatever species

## **REPRESENTATIONS**

### Consultation responses

These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

These are reproduced in full at Appendix B.

## **PLANNING POLICIES**

### Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

### Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS7 – Rural Area  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 – Conservation Area  
CS29 - Sustainable Design and Construction

### Supplementary Planning Guidance/Documents:

Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **CONSIDERATIONS**

### Main Issues

The main issues to consider are:

The policy and principle justification for the proposal;  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### Main Issues

This land is in an extremely sensitive location. It is within the Chilterns Area of Outstanding Natural Beauty (AONB) and the Rural Area. The Council has served an Article 4 Direction on the land. This Article 4 Direction covers the narrow rectangular field parallel to Church Road, a small, broadly triangular piece of land opposite St Peter's and St Paul's Church (the application site), and two larger fields to the south. The article 4 covers the application site in its entirety.

The Article 4 Direction removes permitted development rights for (in brief) means of enclosures, new accesses into the field off Church Road and temporary uses of the land.

The key considerations in this case are whether the proposed development is appropriate in the Rural Area, and the impact on the surrounding Conservation Area and Chilterns Area of Outstanding Natural Beauty.

### Principle of Development

The application site is located within the designated Rural Area, which lies beyond the Metropolitan Green Belt. Whilst its role is different from the Green Belt, the pressures it faces are comparable and in order to retain its open character, development must be controlled in a similar way.

Core Strategy Policy CS7 states that within the Rural Area certain uses are acceptable; agriculture being one of these and that small-scale development for those purposes will be permitted provided it has no significant impact on the character and appearance of the countryside.

The site comprises undeveloped agricultural land which is partially enclosed with post and wire fencing. The proposal seeks consent to replace the existing fencing. The land is to be retained in agricultural use.

The development is small scale and is thus acceptable in principle subject to a detailed assessment of its impact.

### **Design and impact on the Listed Building and Conservation Area**

The site resides within Little Gaddesden Conservation Area and in very close proximity to the Church of St Peter and St Paul, which is a Grade I Listed Building. Plot 17 is located directly across the road and within approximately 20 metres of the church. A right of way linking the church to the village runs through the application site.

### *Impact on Listed Building*

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be given to the desirability of preserving a listed building and its setting.

It is concluded that additional fencing in this location in front of the church would harm the setting of a designated heritage asset of the highest significance (Grade I Listed Building). The defining characteristic of the setting of the listed building is the open aspect from the village at the south (school and dwellings) all the way to the church.

Paragraphs 195 and 196 of the NPPF state that where a proposed development will lead to harm to a designated heritage asset (listed buildings), local planning authorities should refuse consent, unless it can be demonstrated that the harm is outweighed by public benefits.

There are insufficient public benefits to this proposal to outweigh the identified harm to the setting of the Grade I church.

### *Impact on Little Gaddesden Conservation Area*

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The site is an important open, undeveloped space within Little Gaddesden Village and Conservation Area. It is considered that the proposal would fail to preserve or enhance the character of the area. An important open space within the area would be further enclosed, which would cause harm to the character of the conservation area.

Again Paragraphs 195 and 196 of the NPPF state that where a proposed development will lead to substantial harm to a designated heritage asset (conservation area), local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is outweighed by substantial public benefits.

There are insufficient public benefits to this proposal to outweigh the identified harm to the open character of this part of the Little Gaddesden Conservation area.

### **Impact on Chilterns Area of Outstanding Natural Beauty (AONB)**

The application site also lies within the Chiltern Area of Outstanding Natural Beauty (CAONB). Section 15, paragraph 172 of the National Planning Policy Framework requires 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection'. 'The scale and extent of development within these designated areas should be limited'. 'Planning permission should be refused other than exceptional circumstances and where it can be demonstrated that development is in the public interest'. Considerations of applications should include as assessment of the following;

- a) The need for the development and the impact or refusing it on the local economy
- b) The cost and scope for developing outside of the area, or meeting the need in some other way
- c) Any detrimental effect on the environment, the landscape, and recreational opportunities, and the extent to which that could be moderated'

Policy CS24; The Chilterns Area of Outstanding Natural Beauty states: the special qualities of the CAONB will be conserved.

Dacorum Landscape Character Assessment for the area states, 'the scale of the landscape elements .... creating a significant visual impact.... there are few visual detractors in the landscape'.

As stated, this land is in an extremely sensitive location. The land is within the Chilterns Area of Outstanding Natural Beauty (AONB) and the Rural Area. The Council has served an Article 4 Direction on the land.

The fields running parallel to Church Road from the playground car park to the church is a narrow, rectangular piece of land. It is partly separated from a small area of land at the very top of the site (the fence is not continuous). However, its open aspect all the way to the church is its defining characteristic. All parts of the land are criss-crossed by public rights of way.

The proposed fencing would not maintain the open characteristic of the land. The development would detract from views from the Chiltern Way public footpath, which is located within the site and links the church to the village.

The proposal is contrary to section 15 of the NPPF and Policy CS24 of the Core Strategy 2013.

### **Area of Archaeological Significance**

The proposal is in Area of Archaeological Significance, which contains significant archaeological remains of Roman and medieval date. Policy CS27 and section 16 of the NPPF (set out above) require the conservation of heritage assets.

The Historic Environment Advisor were consulted and raised no objections to the proposal.

### Impact on Residential Amenity

Given the site is located some distance from residential properties the proposals would no harm to residential amenity with regard to light, privacy or visual amenity. The proposal would comply with Policy CS12 in this regard.

### Impact on Highway Safety and Parking

Notwithstanding the visual harm the replacement of fencing would not harm the safety or operation of the adjacent highway network. Furthermore, Hertfordshire Highways were consulted and raised no objections to the proposal.

### Other Material Planning Considerations

#### *Impact on Trees and Landscaping*

The proposal would not have an impact on the protected tree within the site. Furthermore, the Trees and Woodlands Officer were consulted and raised no objections to the proposal.

#### *Little Gaddesden Parish Council*

Little Gaddesden Parish Council were consulted and raised several objections regarding the proposal, however these matters raised have been dealt with above.

#### *Environmental and Community Protection*

Environmental and Community Protection were consulted and raised no objections to the proposal.

#### *The Chiltern Society*

The Chiltern Society were consulted and raised no objections to the proposal provided that the fencing is replaced with post and rail and there is no alteration to the public right of way nor the location of the gate/stile.

#### *Conservation*

The Conservation Officer were consulted and raised objections to the proposal stating the proposal would cause harm to the character of the Little Gaddesden conservation area and is contrary to policy and guidance in that it causes harm to the conservation area.

#### Response to Neighbour Comments

Many objections have been received from the local community regarding the proposal, however these matters raised have been dealt with above.

### **CONCLUSION**

Policy CS7 of the Core Strategy permits small scale development for agricultural use provided there is no significant impact on the character and appearance of the countryside.

The proposal for replacement fencing immediately in front of the Grade I church would have a detrimental impact upon the character and appearance of this part of the Little Gaddesden Conservation Area and would cause harm to the setting of the Grade I Listed Church of St Peter and St Paul.

The site lies within the Chilterns Area of Outstanding Natural Beauty and is essentially a very open site that contributes positively to the surrounding countryside. This positive contribution is recognised by the serving of an article 4 direction. Any additional subdivision and erosion of the openness would cause harm to an area that is valued (and now protected) for its natural scenic beauty.

The introduction of additional built form (fencing) to this green field site would result in a number of negative impacts on the Rural Area, and additionally harm to heritage assets and the Chilterns AONB.

In accordance with the NPPF the less than substantial harm that would be caused to heritage assets (listed buildings and conservation area) is not outweighed by public benefits. The proposal therefore fails to comply with Core Strategy (2013) Policies CS12, CS24, CS27 and contrary to sections 15 and 16 of the NPPF (2019).

### **RECOMMENDATION**

That planning permission be REFUSED.

<b>Case Officer Check List</b>	<b>Officer Check/Comments</b>
Has the consultation letter/site notice/advert period expired?	Yes
Was a site notice posted and if so, was the date entered into Uniform?	Yes
Is the Article 35 Statement included?	Yes
Is the CIL box ticked/un-ticked in Uniform?	Yes
Are all plans, documents, site photographs and emails saved to DMS?	Yes

If applicable, please give the reason why the application is overtime.	Consultee Comments
Does the application involve the demolition of any buildings that are currently in use?	N/A
Is there a Legal Agreement?	No
Has the Uniform Legal Agreement box been filled in?	N/A
Is a copy of the agreement on DMS (both redacted and non-redacted versions)? Has the agreement been published on the website?	N/A

### Reason(s) for Refusal:

1. The replacement fencing would harm the character, appearance, openness and natural beauty of the site, the setting of a Grade I Listed Building, this part of the Little Gaddesden Conservation area and the Chilterns Area of Outstanding Natural Beauty.

There are insufficient public benefits to outweigh the harm identified to the heritage assets (listed building and Conservation area) and the protected landscape (AONB).

The proposals are contrary to sections 15 and 16 of the NPPF and Policies CS12, CS24 and CS27 of the Core Strategy 2013

### Informatives:

1. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively in seeking to amend the scheme however not all objections could be overcome. Since the Council attempted to find solutions, the requirements of the Framework (paragraph 38) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
The Chiltern Society	The Chiltern Society does not wish to object to the proposal provided that the fencing is replaced with post and rail and there is no alteration to the public right of way nor the location of the gate/stile.
Environmental And Community Protection (DBC)	Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.
Hertfordshire Ecology	In places, the proposed development lies adjacent to the Little Gaddesden Church and Churchyard Local Wildlife Site (LWS). This supports an important example of neutral grassland and a known bat roost is hosted within the church.



	<p>However, given the type and scale of work proposed, and its location on the opposite side of Church Road, it poses no credible threat to the ecological interest of the LWS. Similarly, no impacts are anticipated on any other features of nature conservation interest within the application site itself.</p> <p>National and local policy strongly encourages all development to deliver a net gain of biodiversity but given the modest scale of this proposal and the absence of harmful effects, it is challenging to identify meaningful measures that would deliver such an outcome. Consequently, in this instance, I recommend this requirement can be waived.</p> <p>This removes all ecological constraints associated with this application.</p>
Conservation & Design (DBC)	<p>We note the concerns raised by the parish council in relation to the movement of gates. We would also be concerned if the proposals were to result in the movement of historic footpaths.</p> <p>The construction of fencing would subdivide what is an open space of particular importance opposite the church.</p> <p>The act states that the local authority should have a special regard to the preservation of the character and appearance of the conservation area. The open fields in this conservation area are important part of its character and in this instance have had article 4 directions imposed to ensure that they remain open and uncluttered. We would therefore object to additional fencing within the article 4 area.</p> <p>The proposal would cause harm to the character of the conservation area. This harm would be less than substantial and at a moderate to low level. However there would be no public benefits from the proposal.</p> <p>Recommendation: We would object as the proposal is contrary to policy and guidance in that it causes harm to the conservation area.</p>
Archaeology Unit (HCC)	Please note that we have no comments to make on the above application.
Trees & Woodlands	According to the information submitted no trees will be detrimentally affected by the proposed fencing. I have examined the information and have no objections to the application being approved in full.
Parish/Town Council	Following the Parish Council meeting of the 21st December 2020, Little Gaddesden Parish Council (LGPC) would like to object as follows:

	<p>There are a number of inaccuracies in the application which need addressing, as follows:</p> <p>a) The existing gate (shown by a green line near to point B) is drawn in the incorrect position - please see modified diagram of the fence layout below. This mistake was pointed out on the previous application 20/01927/FUL but has been repeated in this application. This is not acceptable as it a blatant attempt to move the position of the footpath by stealth, whereas a proper application to change a footpath route is required if that is the intention. The existing gate is still in position on the ground, as shown by the purple block on the diagram (not to scale).</p> <p>b) The Land Registry shows that legal title to the land is vested in the Mead Trust. This needs to be clarified.</p> <p>LGPC response</p> <p>1. LGPC does not object to the repair of the existing fence section shown by yellow lines on the diagram, in the same style as the existing fence. However, we note that the existing fence is a mixture of post/wire and fence/rail. LGPC objects to the replacement of the fence/rail fencing with the inferior post/barbed wired fencing and for consistency all replacement fencing should be post and rail. This is to maintain the character of the setting adjacent to the Grade 1 listed Church.</p> <p>2. LGPC objects to the new pieces of fencing indicated by letters A, B, C and D on the diagram. LGPC accepts that there was previously fencing along this old boundary, but this was significantly more than 15 years ago and has been abandoned. The fields have subsequently been used primarily as sheep grazing across the whole area defined in the Article 4 direction.</p> <p>3. LGPC also objects to the new pieces of fencing in section A, B, C and D, because the fencing is detrimental to the Conservation Area and ANOB, and in close proximity to the Church of St Peter's and St Paul's, which is a Grade I listed building. Plot 17 is located directly opposite the church. The new fencing would also harm the setting and open views of the church across the land by further enclosing the area.</p> <p>4. LGPC would like to draw attention to the previous grounds for refusal.</p>
Hertfordshire Highways (HCC)	The replacement fencing would be in the same location and follow the same line as the existing fencing. The proposed post and rail fencing

	would be considered to be acceptable and not interfere with the surrounding highway. HCC as HA would therefore have no further comments or objections to the proposals from a highways perspective.
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
41	22	1	21	0

### Neighbour Responses

Address	Comments
Golden Valley Cottage  Nettleden Road Little Gaddesden Berkhamsted Hertfordshire HP4 1PP	Repairs to the existing broken fences on the south and west boundaries should duplicate the original fencing - i.e. post and wire. The reason is that this will not harm the setting of the historic church when viewed up Church Road and across the fields to the south. This view is over uninterrupted pasture land and would be harmed by the intrusion of a post and rail fence. There is a post and rail fence on the east boundary and replacement of this with a similar structure would not be objected to. There would be no objection to the replacement of the existing metal field gate with a wooden one or the repair and replacement, like for like, of the pedestrian access gates to the footpath across the land.
West Beaney Nettleden Road North Little Gaddesden Berkhamsted Hertfordshire HP4 1PE	This is clearly an attempt to get the thin edge of a wedge in from which to develop another attempt at planning to build properties on this land as there is no reason to partition what was open farmland. The application to build housing on this land was firmly and, in my view, correctly refused. The reasons for refusing the previous application still stand. This is a very special area of the village with historical and archaeological significance, ranging from many ancient pathways crossing it, to a lost village (which is why the Church stands in its solitary position. There are other more suitable places for development and permitting this kind of speculative purchase of land in an area of outstanding natural beauty and a conservation area is not a good precedent to set.
11 Nettleden Road North  Little Gaddesden Berkhamsted Hertfordshire HP4 1PA	Having lived in Little Gaddesden for the majority of my life (40years) there has never been a fence separating the land from the field. Constructing a fence there would damage the character and appearance of this AONB in front of a Grade 1 listed Church.  There is also contradictory information in application. The application form indicates that the repair of fencing is the only boundary treatment. But the document 'fence' layout' indicates only 'a repaired wire fence'.

	<p>In addition to this, planting a hawthorn hedge in areas where there is not one, would have limited ecological impact, and would not be an appropriate boundary in this agricultural location.</p>
<p>8 Ashridge Cottages Nettleden Road Little Gaddesden Berkhamsted Hertfordshire HP4 1PW</p>	<p>I object to this application. I cannot see what actual function the proposed works will have other than set a precedent for the piecemeal relaxation of the Article 4 Direction . Plot 17 is NOT enclosed at present and hasn't been for as long as I can remember (29 years). Physical subdivision of the current open agricultural land must be resisted . If this application is approved then it is likely that all the open land will be enclosed into numerous plots and the land will no longer be fit for agricultural purposes .</p>
<p>Ostlers Nettleden Road North Little Gaddesden Berkhamsted Hertfordshire HP4 1PH</p>	<p>The reasoning behind this is another excuse to try and get planning permission in the future in an area of Outstanding natural beauty . It is also impossible to know what the correct fencing should look like as it's a grazing field for sheep.</p>
<p>Keepers Cottage 38 Nettleden Road North  Little Gaddesden Berkhamsted Hertfordshire HP4 1PQ</p>	<p>Can we please be clear that this planning application is based upon a synthesis of inaccurate and self-serving information and that the ultimate objective is a further attempt to develop and build properties. We respect the comments of others, many of whom have lived in Little Gaddesden for tens of years, the identified inaccuracies contained within the application do not need repeating. There are also very well-made points with regards to the site position within an area of outstanding natural beauty and a conservation area.</p> <p>We are happy to confirm our objection to this application.</p>
<p>Bury Orchard Hudnall Common Little Gaddesden Berkhamsted Hertfordshire HP4 1QL</p>	<p>I object to the proposal to replace the fencing round this field. The proposal envisages "replacement" of a fence which partly does not exist, namely part of the fence along the south western boundary. A considerable part of this fence was either removed or fell down many years ago and there is no longer evidence of it. The land in question is not therefore fully enclosed and is part of a much larger area of unenclosed land stretching to the south west of Little Gaddesden parish church.</p> <p>This larger area of unenclosed land is a very important and historic area allowing uninterrupted views of the church. Any attempt to enclose this land and create any encumbrance to the view of the church should be resisted.</p> <p>The replacement or refurbishment of the gate along the south western boundary serves no useful purpose because there is no complete boundary along that side of the plot. Alteration of the gate can only be seen as an attempt to add to the objective of enclosing the land.</p> <p>This land is in the Little Gaddesden Conservation Area and an AONB and an attempt to change the nature and look of the land should not be allowed</p>

<p>Church Farm Church Road Little Gaddesden Berkhamsted Hertfordshire HP4 1NZ</p>	<p>Comments regarding application 20/03636/FUL Replacement Fencing to Plot 17 Land South East of Church Road</p> <p>This area of the land south east of Church Road shares an existing post and rail fence with our field.</p> <p>Much of the fencing which is proposed to be replaced in this application has been virtually non existent for at least 15 years. Visually the fields alongside Church Road, of which "Plot 17" is at the southern end, read as one continuous field.</p> <p>The section of fence that runs along Church Road is 110cm high at maximum - not 140cm. Normal post and rail fencing is set at 120cm. Setting fencing at 140cm (especially combined with hedging) will impede the flow of wild deer that inhabit this area. Therefore the proposal would not be beneficial to wildlife.</p> <p>The pedestrian gate into this area from the open pasture land is not correctly shown on the application - it is opposite the gate onto the road.</p> <p>We regard this application as an attempt to segregate this plot from the open grazing land on Church Road as a precursor to making it a potential building plot. Planting hedges to reinforce the barrier would increase the visual barrier to this segment of the field and materially change the open pasture nature of this area.</p> <p>Fencing off "Plot 17" would be of no use for agricultural purposes being too small to support animals. We cannot see that fencing this area off from the rest of the field has any practical purpose.</p> <p>The application makes no reference to the protected trees on this area. Any existing hawthorn bushes are scrubby and are unlikely to have ever formed a hedge in the past.</p> <p>The applicant makes no reference to the rest of the fencing along Church Road which is in a poor state of repair. This reinforces our view that this application is merely intended to segregate this area from the rest of the open fields. This is contradictory to the open nature of the pastoral land in this area of the AONB.</p>
<p>The Old Rectory Nettleden Road North Little Gaddesden Berkhamsted Hertfordshire HP4 1PA</p>	<p>1 This is an objection to this planning application on behalf of the Rural Heritage Society of Little Gaddesden, Hudnall, Ringshall and Ashridge ("RHS").</p> <p>2 The land the subject of the application (Plot 17) is a plot of land immediately opposite the main pedestrian entrance to the listed Little Gaddesden Parish Church and extends back to the line of ancient trees which runs parallel with Church Road (area estimated at about 0.42 acre).</p>

3 The land is in the Chilterns AONB and within the Little Gaddesden Conservation Area. It is also part of a much larger area of land which has been the subject of recent land sales by the major landowner in plots of around 0.25 acre along the frontage with Church Road as well as the marketing of another line of plots of similar area on the Hudnall side of the line of trees.

4 The application itself falls into 2 parts:

- a. new/replacement fencing along the southern and south-western perimeters of Plot 17 (the perimeters dimensioned as 24m and 53m respectively on the Plot Dimensions Plan) together with hawthorn hedging; and
- b. the renewal of one metal gate and two wooden pedestrian gates.

5 The southernmost pedestrian gate is shown in the wrong position in the Fence Layout Plan, at the southernmost end of the fence with the 53m dimension. The gate is in fact on the western end of the fence with the 24m dimension, just to the west of one of the ancient oak trees on the line of trees. It is the exit point from Plot 17 of Footpath LGFP 016. This footpath enters the Plot at a point on the opposite side of Church Road from the main pedestrian entrance to the Church through the wooden pedestrian gate shown on the Fence Layout Plan.

6 The effect of erecting fencing along the line of the 24m dimension is to stop up the correct line of LGFP 016 as shown on the Hertfordshire Definitive Footpath Map and divert the footpath into the next door plot of land. It should therefore not be permitted. As a legal point, the variation of the route of a public right of way can only be effected under s. 257 of the Town and Country Planning Act 1990 if it is necessary to enable development to take place and this is not the case here.

7 The only existing fencing to Plot 17 is as shown in the Fence Layout Plan, although the fencing along Church Road is incorrectly described. It is in fact post and wire along the Church Road perimeter from the western end to a point about 6m to the east of the pedestrian gate. The remainder is post and rail. There are no hedges whatsoever apparent along the perimeter of Plot 17. Any fencing around the Plot, other than along Church Road and along the 49m perimeter, has been non-existent for approaching 40 years, at least.

8 The RHS OBJECTS to the erection of any fences or hedging to Plot 17 along the 24m and 53m perimeters because this proposal fails to take into account the importance of conserving and enhancing the natural beauty of the AONB, detracting as it does from the historic landscape and open field character of the area (traditionally kept open for sheep grazing) with open and unobstructed views to the Church and its surroundings from the Green end of Church Road, from the Church back towards the Green and to the houses along the whole of the Green towards Denison House and to the Church as walkers approach the Church along footpath LGFP 016.

9 The RHS refers to the following extract from the Case Officer's

	<p>Report relating to the previous application for new fencing for this Plot (20/01927/FUL):</p> <p>"The site is an important open, undeveloped space within Little Gaddesden Village and Conservation Area. It is considered that the proposal would fail to preserve or enhance the character of the area. An important open space within the area would be further enclosed, which would cause harm to the character of the conservation area."</p> <p>10 It is also necessary to take into account the fact that this area is part of or adjacent to a building scheme to divide up this open landscape with open field views of the Grade 1 listed Church into small plots, which will be the subject of further planning applications (see for example withdrawn Planning Application No: 20/00176/FUL in relation to Plot 7 and the development scheme set out at <a href="https://www.rightmove.co.uk/commercial-property-for-sale/property-79892509.html">https://www.rightmove.co.uk/commercial-property-for-sale/property-79892509.html</a> as at 21 December 2020). There can be no doubt that such piecemeal erection of fencing and creation of new boundaries would severely damage the natural beauty of the AONB, the character of the Conservation Area and the historic open character of the fields to the south east of the Church, as well as the very setting of this valuable village heritage asset. The Council is entitled to take this anticipated boundary creation into account when considering this planning application as to grant it would create a precedent for applications for the creation of multiple further small plot boundaries in this area.</p> <p>11 Were the Council minded to grant the application to erect fencing, the RHS requests that the grant of any permission is subject to the condition that it is in post and plain wire form - ie no barbed wire - (as this style of fencing matches the majority of the fencing on the Church Road perimeter of the Plot and will cause the least physical obstruction to the views mentioned above) and that the height of the new fencing should match the height of the existing fencing (c. 1.1 metre).</p>
2 Beaney Cottages Little Gaddesden Herts HP4 1PE	<p>I wish to object to the planning application for the above reference number in Church Road, Little Gaddesden because I do not believe it is in the long term best interests of Little Gaddesden and is detrimental to the Conservation Area and Area of Natural Beauty. Please note the previous grounds for refusal.</p>
8 Little Gadesden Berkhamsted Herts HP4 1PA	<p>Hi there, I've been trying to raise my objections with you about the above planning, but can't get your website to work! Please take my comments into consideration. I know the closing date is today.</p> <p>My concerns are that this tiny plot of land will end up looking like the area in Little Gaddesden next to the pub. I'm attaching photos. I've spoken with the owner of the land, who naively thinks he can graze animals on it. It is far too small on its own, with no water. It will end up as scrub land. It also sets a precedent for the other plots to do the same. The area will end up covered in fencing, looking neglected and then housing will be permitted. This is an ancient area of extreme beauty and should be kept as grazing over the whole area. Any replacement fencing on Church road should be consistent with the</p>

	rest of fencing along the road. Please take my comments into account.
46 Nettleden Road North  Little Gaddesden Berkhamsted Hertfordshire HP4 1PH	<p>Other than to mark the applicant's territory and attempt to set a precedent for future development and physical subdivision of the land currently subject to an Article 4 Direction, I cannot see the point of enclosing an area of farmland too small for any viable agricultural use. I believe the reason why the Article 4 Direction covering this and the adjoining land was made (i.e. to preserve the open aspect of the land to the south-east of Church Road in the context of the on-going sale of small plots of this land) has to be born in mind when considering this application and that any physical subdivision and enclosure should be resisted.</p> <p>I have lived in Little Gaddesden for over 36 years and the application site has not been enclosed for very many years. The overall visual amenity is the better for this. Fencing of any type on the 53 metre line and the 24 metre line (as shown in the applicant's 'Plot Dimensions Plan') will have a detrimental impact on the open aspect of this part of the Little Gaddesden Conservation Area and the views across the fields to the Church (one of the joys of this village).</p> <p>Most of the fencing on the Church Road boundary is post and wire and the vestiges of the other fencing are also post and wire. Were the planning authority minded to grant any part of this application I would ask that post and wire fencing is stipulated as this would be far less visually intrusive and better maintain the open aspect.</p> <p>I question why the applicant seeks to restore the metal (vehicular) gate on the 53 metre 'boundary' since there is no way for vehicles to access Plot 17 from Church Road without crossing the the adjoining land ('Plot 16' to use the selling agent's terminology) - unless of course the applicant has or will acquire an interest in that land or rights over it.</p> <p>There are a number of incorrect statements in the application:</p> <ol style="list-style-type: none"> <li>1. It states that the proposals will not result in any changes in the positioning of the existing gates. However the plans show a pedestrian gate that serves the public footpath on the 53 metre 'boundary', whereas the public footpath actually enters the site on the 23 metre 'boundary'. As the applicant's previous application (20/01927/FUL) sought to re-route the public footpath that runs through Plot 17 this needs further consideration.</li> <li>2. The application describes the existing fencing as 1400mm high - I think it is lower than that - and in any case 1400mm is too high in this sensitive location.</li> <li>3. This application refers to existing hedges but I don't believe there are any.</li> </ol>
49 Nettleden Road North  Little Gaddesden Berkhamsted Hertfordshire HP4 1PL	<p>The purpose behind this application is unclear, particularly as it very surprisingly omits the official footpath straight across the middle of the subject field. This is designated by the footpath sign at the kissing gate into the field, opposite the church entrance, pointing south across the field. The application also fails to show this footpath's exit kissing gate (still standing, but having lost fencing on either side) out of the</p>



	<p>field through the southern boundary of the field, this is referred to below as the 'fourth' gate.</p> <p>The application shows there are/were three gates, whereas there are/were four. The three gate positions in the application are correctly shown, two pedestrian gates in green and one vehicular gate in black. The Dacorum website is unfortunately not allowing access to the detail and pictures of these gates described in the application to permit agreement or otherwise.</p> <p>The 'fourth' existing pedestrian kissing gate (not shown on the applicant's plans) is at the left hand west side of the 24m section shown under 'plot dimensions' in the application, effectively due south in line with the church entrance footpath. Thereafter the path turns to the south west straight down the adjoining field.</p> <p>I have walked this path regularly for nearly four decades. Over ten to twenty years some fencing/gates have fallen down, have become disrepaired or are completely missing, allowing sheep to roam freely across all these fields. The field forms part of the open aspect of all fields between the church and the village, which has existed as long as I can recall.</p> <p>This very important open aspect across the fields viewed from the village towards the church, and vice versa, if it is to be fenced should be by a post and wire fence, rather than post and rail. Virtually all the fencing, except on the east side, is/was single vertical post and wire, with no horizontal rail along the top - no doubt so as not to damage the view, an important aspect of the conservation area. It will also be vital to preserve the existing 'fourth' footpath exit kissing gate, which the plans fail to show and would effectively seal off this official exit.</p> <p>Without a proper explanation and understanding of the necessity for this application; its relationship to the very important but unmentioned footpath and its 'fourth' southerly exit gate; and in the light of an obvious long term attempt to develop this area for housing; I object to the application.</p>
<p>Netherfield 5 Church Farm Barns Church Road Little Gaddesden Berkhamsted Hertfordshire HP4 1NZ</p>	<p>15th December 2020</p> <p>Natasha Vernal Planning Officer Development Management Dacorum Borough Council The Forum Marlowes Hemel Hempstead HERTS HP1 1DN</p> <p>Dear Ms Vernal,</p> <p>OPPOSITION TO REPLACEMENT FENCING: APPLICATION</p>

20/03636/FUL

The rationale for this application clearly has a hidden agenda.  
Why is there a need to fence off the plot?

Construction of any barrier that segregates the plot from the open fields destroys the character and appearance of this AONB and will affect the use of this land by both farm and wild animals (ie deer).

This would segregate this land separating it from the field (no longer a continuous open space) along Church Road

This section of land has been an integral part of the field along Church Road ie a continuous open field for decades.

The applicant is looking to re install fencing which I believe has not been present for decades.

Building a fence along the former fence line creates a physical barrier for the plot; this segregates this piece of land for a potential development application

#### OTHER POINTS ARE-

Having look at the fence height. The fence height along Church Road to the fields in question is 110 cms in height and not the 140 cms. I am not sure creating a higher barrier will look right.

The applicant mentions hedging. I cannot see any hedging at present. Having a hawthorn hedge as well as a new high wooden fence clearly would look odd and not in keeping. I would suggest that creating a barrier around this plot is the applicant's only intention. Not for the good of wildlife or indeed the local residents of Little Gaddesden.

I wonder why the applicant is only focusing on one plot. Why does he not replace the entire fencing along all of Church Road, which is in a poor state of repair, rather than looking to segregate this land into plots, which I expect is the applicant's agenda.

There is no mention of the footpath running straight through the plot and no mentioned about ancient trees around this plot. How the applicant can find hedgerow and fail to mention the ancient trees.

The pedestrian gate is also shown on the wrong side of the drawing. It is to the side opposite the church gate.

The applicant mentions that Briony Curtain, the lead planning officer from the previous application, has advised to submit this new application. I very much doubt Ms Curtain advised to submit these changes, or she was not aware of the plots position and its current state.

#### OTHER IMPLICATIONS OF NOT REJECTING THIS APPLICATION

- Allowing access to this 'plot' (through a gate directly from Church

	<p>Road) will overcome a significant obstacle to subsequently applying for planning permission for a house development/leisure facility etc., It would set a precedent for applications for all the other plots adjacent to Church Road. This could be as many as 17 openings. This application is a 'Trojan horse' seeking precedent for the other plots</p> <p>- This application must be considered in respect of the intentions of Goldsmith Land Ltd and the 17-34 potential building plots that will potentially seek access to Church Road. The Highways Department must consider this in the context of the exit from Church Road, the potential volume of traffic along this single track exit, the opening onto Nettledon Road (a junction with restricted views), the safety of pedestrians - especially school children arriving and leaving the school 'on foot' - and the increasing traffic loads caused by vehicles using the former toll road through Ashridge as a short cut to Berkhamsted and Pottton End</p> <p>If these changes are approved then similar applications will flow for all other plots on Church Road and elsewhere in the village.</p> <p>This application should not be considered.</p>
<p>Pilgrim Cottage Church Road Little Gaddesden Berkhamsted Hertfordshire HP4 1NZ</p>	<p>I have no doubt that the applicant has a hidden agenda, based on his previous applications, and would like this one to be firmly rejected as not in the interests of the village.</p> <p>I don't believe Mr Kinson should be given permission to do anything since I do not believe his intentions are in the best interests of the community.</p>
<p>Gable End Cottage Church Road Little Gaddesden Berkhamsted Hertfordshire HP4 1NZ</p>	<p>I would like to object to this planning application on the following grounds.</p> <p>The application is for 'Replacement of existing fencing. No change to field pattern.' However, the site plans show new fencing where none currently exists. In addition, the application states that 'Where there is not a hedge, a hawthorn hedge would be planted'. It incorrectly claims that 'in places the fence currently has a hedge'; there is no hedge at any point around this plot.</p> <p>The proposed new fencing and hedge would clearly separate this area from the surrounding fields and negatively affect the open character of this agricultural land. A recent application on the same plot was refused for this very reason. The following extract is from the delegated report:</p> <p>'The site is an important open, undeveloped space within Little Gaddesden Village and Conservation Area. It is considered that the proposal would fail to preserve or enhance the character of the area. An important open space within the area would be further enclosed, which would cause harm to the character of the conservation area.'</p> <p>My objection concerns the hedging and new fencing, not the repair of existing fencing which is perfectly reasonable. I feel that many people reading the application notice will have been misled by the wording which does not reference either a hedge or fencing where currently there is none.</p>

	<p>There are many protections on this land which will hopefully safeguard it from being broken up into numerous small plots: it is within the Chilterns AONB, the Rural Area, the Little Gaddesden Conservation Area, it is the subject of an Article 4 Direction, and it is included in the Grade 1 listing of the Church of St Peter &amp; St Paul. It is a valuable and significant area of ancient farmland at the heart of an historic village which must be preserved. This is the third planning application this year that has sought to partition this land (into building plots) and there are likely to be more forthcoming. I hope that this, and any other attempts, are met with a refusal.</p>
<p>2 Church Road Little Gaddesden Berkhamsted Hertfordshire HP4 1NX</p>	<p>I do not object to the repair of the existing fence in the same style as the existing fence. I object to the replacement of the fence/rail fencing with the inferior post/barbed wired fencing which is a danger to wildlife. All Fencing should maintain the character and be in keeping of the whole setting adjacent to the curtilage of the Grade 1 listed Church.</p>
<p>Gables Church Road Little Gaddesden Berkhamsted Hertfordshire HP4 1NZ</p>	<p>Dacorum Council have recently rejected an application to fence in this plot, stating that it forms part of a larger area of open grazing land whose character would be destroyed by subdivision. Surely this current application would have the same effect? The proposal to plant a hedge round the 'plot' would serve no agricultural purpose and seems to be designed to do the opposite of preserving the open nature of the surrounding fields.</p>
<p>The Squirrels 9 Hempstead Lane Potten End Berkhamsted  Hertfordshire HP4 2QJ</p>	<p>The Chiltern Society does not wish to object to the proposal provided that the fencing is replaced with post and rail and there is no alteration to the public right of way nor the location of the gate/stile.</p>
<p>Peel House Church Road Little Gaddesden Berkhamsted Hertfordshire HP4 1NX</p>	<p>In the 40 years I have lived in Church Road these fields have been solely for agricultural use, indeed historically that has been their only function.</p> <p>This application to replace fences and gates and thus enclose a section which has been open grazing for as long as I can remember appears to me to be a cynical attempt to separate out an area with the obvious intent to later submit an application for development.</p> <p>As a resident of Church Road and a former Parish Council Chairman I believe that this application is not in the local interest, would impinge upon the adjacent listed Church of St Peter &amp; St Paul, seeks to enclose an area within agricultural grazing land, and should be opposed at all cost!</p> <p>Please reject the application in its entirety.</p>
<p>9 Nettleden Road North  Little Gaddesden Berkhamsted Hertfordshire</p>	<p>There is contradictory information in the application. The repair of fencing is the only boundary treatment indicated on the application form, and the document 'fence layout' indicates only a 'repaired wire fence'.</p>

<p>HP4 1PA</p>	<p>The 'summary of proposal' document, however, states that a hawthorn hedge will be planted 'where there is not a hedge'. This should be made explicit on all the documents so that nothing is misleading.</p> <p>The site is adjacent to the Grade 1 listed Church. The type of hedge described would be an inappropriate boundary treatment in this agricultural location and have a significant impact on the setting of the heritage asset.</p> <p>Furthermore a single-species hedgerow would have little beneficial ecological impact, in contrast to the rationale indicated.</p>
<p>20 Nettleden Road North</p> <p>Little Gaddesden Berkhamsted Hertfordshire HP4 1PA</p>	<p>I have already responded using your portal and have objected to this planning application but it appears not have appeared on your register.I would reiterate my reasons for refusal</p> <p>1 The of the Public Footpath (to the rear) is sited in an incorrect position and accesses as far as can established.</p> <p>2) No Public Footpath is shown on the application plan</p> <p>3) The land immediately abutting (west of the subject site) is not within that applicants ownership and accordingly there is no vehicular access way to the site.</p> <p>4) The subject site has an agricultural use and by reinstating the fence this will lead a plot that is incapable of that use. It will be of an insufficient area to allow any form of farming operations( source Farmers Union and other experts)</p> <p>4 The fence was deliberately removed as is was nolonger required to hold stock prior to movement and was used in conjunction the adjoining main agricultural land Further more with modern farming machinery (silage /hay making) with a fence in place farm vehicles would be unable to manoeuver on the subject land hence the reason for its removal</p> <p>In summary</p> <p>1 By reinstating the fence and with no vehicular access (see above) a land holding would be created that was of an area that would be incapable or being farmed.</p> <p>2) No foot path is shown</p> <p>3)The rear public path exit is incorrectly positioned</p> <p>J Townsend</p> <p>1) The plan submitted is incorrect as it deliberately or otherwise fails to show the line of the Public Footpath.</p>

	<p>2) The stile location to the rear of the site is incorrectly positioned Further more it would appear to access on to land not the subject of this application.</p> <p>3) Access to the subject site is from a gateway not within the ownership of the subject site owner.</p> <p>4) The subject land has an agricultural use and has been used in conjunction with the abutting agricultural land.By the re erection of a fence (it has not been present for some a considerable length of time) the land cannot be farmed as it is too small in isolation for any viable agricultural operation (source Farmers Union).</p> <p>The fence has been removed deliberately to permit the uninterrupted access on to the subject site and the effective use of the land for agricultural purposes e.g cutting of hay and silage by large machinery.If the fence was re erected that machinery could not maneuver around the site not withstanding the gate to the west.</p> <p>We would underline the fact that this is agricultural land and by the re erection of a fence a site would be created that could not be used for agricultural purposes.</p> <p>Jim Townsend</p>
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