

Reference	24/02126/ART
Site Address	Land at corner of Pipers Hill and Leighton Buzzard Road, Great Gaddesden, Hemel Hempstead
Land Owner	No LR details - Barney Estates Ltd

1. Recommendation

- 1.1 That the Article 4 Direction made on 9th October 2024 be confirmed without modification.

2. Summary

- 2.1 This Article 4 Direction was made by the Council, due to the advertised sale of the land as separate parcels and the risk that changes of uses under permitted development and the physical sub-division of that land could cause very significant harm to this very sensitive rural area and the nearby Chiltern AONB (National Landscapes).
- 2.2 In mid 2024, Advertisements had been forwarded to the Council of this plot of land for sale and it was to go to Auction by Barney estate sales. There is evidence in the brochure that at present the plots have been divided as follows into ten 0.6 acre plots, eight 1.5 acre plots, two 2.5 acre plots, a 7 acre plots, a 4.7 acre plot and a single 30 acre plot.
- 2.3 It is noted that similar circumstances have taken place on several large plots of land within Dacorum's jurisdiction which led to subdivision and even smaller plots being created, boundary fences being erected and activities not associated with agricultural use taking place. Due to the similarities of circumstances and current Planning Enforcement cases taking place at similar sites it is found that the article 4 direction is required in order to protect this land and its contribution to the wider landscape.

3. Site Description

- 3.1 The site comprises of an expansive irregular shaped parcel of land (the 'site'), which is situated to the southeastern side of Piper's Hill, Great Gaddesden, and approximately 200 metres south of the junction between Piper's Hill and St Margaret's.
- 3.2 The eastern boundary of the site lies to the west of the River Gade and farther to the northeast is the Hemel Hempstead Garden Centre, on the northern corner of the junction between Piper's Hill and Leighton Buzzard Road.
- 3.3 The site, which is approximately 14 hectares in total, comprises an open pasture field with undulating ground levels, high hedgerows and mature trees. The southwestern boundary is adjacent to a replanted ancient woodland. There are views into and across the site from the surrounding fields and footpaths.
- 3.4 There is a single access to the site from Piper's Hill via a 1 metre high gate; however this is a public footpath and it is unclear if private cars/vehicles have the right to pass and repass on this. There is no access into the site from a public footpath that runs along the western and southern boundary (Pipers Hill Gate access to Leighton buzzard road), or from the land to the west of the River Gade. The fields on the site are currently used for agricultural purposes.
- 3.5 The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB). The northeastern boundary of the site lies immediately adjacent to the Great Gaddesden Conservation Area.

4. Service of Order

- 4.1 The Article 4 Direction was served on known interested party Barney Estates Limited and displayed in several places on the land on the 9th October 2024.

- 4.2 The Article 4 Direction Sought to immediately remove the following permitted development rights;
1. **The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure** referred to in paragraph A.1 being development comprised within Class A of Part 2 of Schedule 2 to the Order and not being development within any other Class.
 2. **The formation, laying out and construction of a means of access to a highway** which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part) being development comprised within Class B of Part 2 of Schedule 2 to the Order and not being development within any other Class.
 3. **Temporary use of land** comprised within Class B of Part 4 of Schedule 2 to the Order and not being development within any other Class.
- 4.3 The effect of the article 4 direction is that development comprising the erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure; the formation laying out and construction of a means of access to a highway; and temporary use of the land, will now require the formal determination through submission of a planning application.

5. Legislation and policies

- 5.1 Paragraphs: 38 Reference ID: 13-038-20140306 of the National Planning Policy Guidance (NPPG).
- 5.2 Policies CS1, CS2, CS10, CS12, CS24 and CS25 of the Dacorum Core Strategy 2013
- 5.3 The NPPF para 189.

6. Representations

- 6.1 No representations received

7. Consideration

Introduction

- 7.1 It is considered necessary to apply an Article 4 Direction to the site, as it is considered that any sub-division and erection of boundary treatment of the site, which is essentially an open arable land, could cause very significant harm to this very sensitive landscape, especially when taking into account the expansive size of the field, and how this could be used to create a substantial number of individual plots.

Policy Background

- 7.2 Paragraph: 038 Reference ID: 13-038-20210820 of the National Planning Policy Guidance (NPPG) specifies that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified.
- 7.3 It is considered that the site, which is situated within the Chilterns AONB, is particularly visually sensitive. Dacorum Borough Council's planning policies support a conservation approach to the Chilterns AONB. Policy CS24 of the Dacorum Core Strategy (adopted September 2013) specifies that 'the special qualities of the

Chilterns Area of Outstanding Natural Beauty will be conserved'. Saved Policy 97 of the Dacorum Borough Local Plan (adopted 2004) specifies that 'in the Chilterns Area of Outstanding Natural Beauty, the prime planning consideration will be the conservation of the beauty of the area. Any development proposal which would seriously detract from this will be refused. Wherever development is permitted, it will be on the basis of its satisfactory assimilation into the landscape. Every effort will be made to discourage development and operations that would adversely affect the beauty of the area'.

- 7.4 The National Planning Policy Framework (NPPF) (December 2024) also makes clear in specified Paragraph 189 on the need to conserve landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to landscape and scenic beauty. This includes the Chiltern National Landscape which we are seeking to protect.
- 7.5 The Chilterns Buildings Design Guide specifies that the appearance of the landscape is based upon landform and natural features such as rivers and woods, and land uses such as agriculture, forestry, transport, industry and buildings. These factors combine to influence the appearance of the countryside and contribute to the character of individual settlements in the landscape.

Considerations

- 7.6 It is considered that the potential sub-division of the existing field and the impacts that could result, pose a very significant threat to the existing visual contribution that the site makes to the Chilterns AONB. The site is an attractive piece of land, forming open countryside.
- 7.7 The potential introduction of fences, gates and other means of enclosure which are likely to be required to divide the site would combine to visually detract from the area and would result in demonstrable and unacceptable harm. The erection of means of enclosures are not subject to the prior approval process and as such, fall outside of the control of the Local Planning Authority. Furthermore, concerns exist regarding the development pressures that could result from such subdivision. There are equally concerns that the sub-division of the ownership of the land could see temporary permitted development rights be multiplied compared to the previous situation where the field constituted a single planning unit. This could result in the near continuous operation of 'temporary' activities across the original field.
- 7.8 The importance of the site is considerably increased by virtue of the public footpath that begins from a gate on Pipers Hill it enters the land marketed for auction and crosses several of the small plots in their current marketed separation then exits the boundary of the marketed land and runs on the Western boundary and southern boundary through high park wood exiting onto Leighton Buzzard Road. The physical sub-division of the land, the introduction of fencing, and in particular the introduction of an easement allowing access to all plots, would have severe detrimental impacts of those enjoying this right of way and the surrounding open countryside.

Justification for 'immediate direction'

- 7.9 Paragraph: 045 Reference ID: 13-045-20140306 of the NPPG specifies that immediate directions can be made in relation to development permitted by Parts 1 to 4 and 11 of Schedule 2 to the General Permitted Development Order, where the development presents an immediate threat to local amenity or prejudices the proper planning of an area.
- 7.10 It is considered that the serving of an 'immediate direction' is warranted, appropriate and necessary. The potential harm caused by the sub-division has been described above and the threat to the site's visual integrity is considered to be imminent.

8. Conclusion

8.1 The Local Authority considers that the Article 4 Direction which was made on 9th October 2024 was justified and warranted.

9. Recommendation – That the Article 4 Direction (ref:24/02126/ART be confirmed without modification for the reasons stated above.

Appendix A – Responses Received

Contributors	Support	Neutral	Objecting

Name: Kyle Dalton

Position: Assistant Team Leader, Planning Enforcement

Date: 18th February 2025