



# Department of the Environment and Department of Transport

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1 JUL 1987	
File No.	.....
Refer to	CPO 117
Checked	.....

21023

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GTN 2074			
PLANNING DEPARTMENT			
DACORUM DISTRICT COUNCIL			
Council Ref: 4/0013/87E			
Your reference			
Ref. MDW/PP/MCGEE			
Our reference			
C.P.O.	D.P.	D.C.	B.C.
T/APP/21910/6/86/4986/P6			
Date			
Received		- 2 JUL 1987	26 JUN 87
Comments			

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
APPEAL BY ADAM MCGEE  
LAND AT WIDMORE FARM, BRADDEN LANE, GADDESSEN ROW, HEMEL HEMPSTEAD

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against an enforcement notice issued by the Dacorum District Council concerning the above mentioned land. I have considered the written representations made by you and by the Council and also those made by the Great Gaddesden Parish Council. I inspected the site on 20 May 1987.
2.
  - a. The date of the notice is 11 November 1986.
  - b. The breach of planning control alleged in the notice is the use of agricultural land for the siting of a mobile home which is occupied as a dwelling.
  - c. The requirements of the notice are:
    - i. Discontinue the use of the mobile home as a dwelling.
    - ii. Removal of the mobile home from the land.
  - d. The period for compliance with the notice is 3 months.
  - e. The appeal was made on the grounds set out in Section 88(2)(a) and (b) of the 1971 Act as amended.
3. I was unable to go onto the appeal land at the time of my inspection, and viewed the site from the adjoining road. However, I am satisfied that I was able to see everything necessary to make a proper decision on the appeal.
4. At my inspection I noted that the spot adjoining Bradden Lane formerly occupied by the mobile home no longer had a caravan upon it. At the same time a mobile home fitting the description of the one subject of the notice was stationed adjoining the farm buildings of Widmore Farm. It did not appear to be in residential use at the time. However part compliance, or compliance, with an enforcement notice does not discharge it and accordingly I have considered your client's appeal.
5. From what I saw at my inspection and from the representations made it is clear that at the time the notice was issued the appeal site, which extends to about 8 ha, was not solely in use for the stationing of a mobile home for occupation as a dwelling, as the notice could be taken to imply. I conclude that it was in a mixed

use, for agricultural purposes, for residential purposes (Widmore Farm house) and for the siting of a mobile home occupied as a dwelling (the matter of concern to the Council). In my opinion the allegation in the notice should more properly have referred to that mixed use and I shall correct the notice accordingly. I am satisfied that this correction can be made without injustice. No amendment is needed to the requirements of the notice.

6. With regard to the appeal on (b) it is not disputed that at the time the notice was issued the mobile home was stationed on the appeal site and was in residential use. I find, as a matter of fact and degree, that the use of the appeal site for the siting of a mobile home occupied as a dwelling represents a material change in the use of the land, for which planning permission is required. In this case there is no evidence that the use of the land for the stationing of a mobile home occupied as a dwelling subsisted at the appointed day, or has been granted express planning permission since then or is permitted development under the General Development Order. There has been a breach of planning control and the appeal on (b) fails.

7. With regard to the appeal on (a) I consider the main issue to be the effects of the unauthorised development on the appearance and character of the area, bearing in mind the planning policies applicable to the neighbourhood.

8. The appeal site lies in very attractive rolling countryside. There are a few dwellings in the immediate vicinity but otherwise the land is remote from urbanised development. Bradden Lane is a quiet country lane.

9. I consider that the activity and traffic inevitably associated with the residential use of the mobile home will have had a detrimental effect on the very peaceful rural character of the environs of the appeal site. It would not be possible to reduce the traffic and activity by the imposition of conditions on a planning permission or by other means of planning control. The presence of the mobile home closely adjoining the lane will have had a harmful effect on the appearance of the area, since it will have formed an alien and obtrusive feature in an area of generally unspoilt countryside. I recognise that if the mobile home were stationed along the western boundary of the appeal land, or at the rear of the buildings, it might not be visible from the road. But the fact that it might not be visible is not in itself a good reason for the grant of planning permission. Such an argument could be repeated too often. Moreover the activity and traffic associated with the use would still be there and would still harm the quiet rural character of the area.

10. The site lies in an Area of Outstanding Natural Beauty and in an area where new development is not permitted except in special circumstances. I conclude that the continued presence and residential use of the mobile home on the appeal site would result in demonstrable harm to an interest of acknowledged importance, the character and appearance of the countryside in the Great Gaddesden area. In my opinion this objection overrides the normal presumption in favour of the grant of planning permission for development.

11. I can see no special circumstances to justify allowing the appeal in the face of this compelling objection. I note that your client has received rate demands from the Council but that does not add any weight to the planning merits of his case and in my opinion it does not bind the Council to grant a planning permission. No claim is made that the mobile home is needed to meet an agricultural need or any other special rural need. The appeal on ground (a) fails.

12. As the correct fee payable under the Town and Country Planning (fees for Applications and Deemed Applications) Regulations 1985 has not been paid, I do not propose to deal with the application for planning permission deemed to have been made under Section 33B(3) of the 1971 Act, as amended by the Local Government and Planning (Amendment) Act 1981.

13. I have had regard to all relevant Government advice, including that in Circulars 22/80 and 14/85 and have examined all of the other matters raised, but find nothing to change my decision.

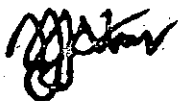
#### FORMAL DECISION

14. For the above reasons and in exercise of the powers transferred to me, I hereby direct that the notice be corrected at Schedule 2 by the deletion of the allegation in its entirety and the substitution therefor of the words "the making of a material change in the use of the land to a mixed use for agricultural purposes, for residential purposes and for the stationing of a mobile home for use as a dwelling". Subject to the above correction I uphold the notice as corrected and dismiss the appeal.

#### RIGHT OF APPEAL AGAINST DECISION

15. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Gentlemen  
Your obedient Servant



A J J STREET BA DipTP MRTPI  
Inspector

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