

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other Ref. No.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mr. & Mrs. Northcutt, Long Barn, Duckmore Lane, TRING, Herts.

Messrs. Payne Cullen Partnership, 101 High Street, TRING, Herts.

Conversion of Barn to Dwelling
at Long Barn, Duckmore Lane, Tring.

Brief description and location of proposed development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 4th January, 1979, and received with sufficient particulars on 8th January, 1979, and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:-

The site is within the Chilterns Area of Outstanding Natural Beauty on the County Development Plan and in an area referred to in the submitted County Structure Plan Written Statement within which there is a presumption against further development unless it is essential for agricultural or other special local needs - no justification has been proven to warrant departure from this principle.

Dated 19th day of February, 1979.

Signed [Signature]
Designation Director of Technical Services.

## NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

C/202/20.12



## Department of the Environment

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Your reference

Our reference

T/APP/5252/A/79/8678/G2

Date

- 6 FEB 1980

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY MR AND MRS NORTECUTT  
 APPLICATION NO:- 4/0027/79

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council, to refuse planning permission for the conversion of a barn to a dwelling on land at Long Barn, Duckmore Lane, Tring. I held a local inquiry into the appeal on 13 December 1979.
2. The appeal site lies within the Chilterns Area of Outstanding Natural Beauty, and in the approved Structure Plan the site is included within the Metropolitan Green Belt, the precise boundaries of which will be defined in the District Plan. The Structure Plan policy regarding development in the Green Belt states that permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings for purposes other than agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. A draft District Plan has been prepared in which the boundary of the Green Belt clearly includes the appeal site, and which states that, to be acceptable, development in the Green Belt must, inter alia, be located within the confines of existing development, and must not be in the open countryside.
3. The subject of this appeal is a barn, which is no longer used for its original purpose, situated about  $\frac{1}{2}$  mile south of Tring. The site is adjoined on the south by a bungalow with 2 cottages beyond, while to the east are scattered dwellings. The predominant use of the surrounding area is agriculture and woodland. From my consideration of all the representations made and my site inspection, therefore, I am of the opinion that the main issues in this case are whether the proposal would conform with the Green Belt policies which apply to this area, and, if not, whether there are any special circumstances to justify a departure from these policies.
4. It was claimed on your clients' behalf that the proposal would not conflict with the basic principles of the Green Belt, and the 3 original aims listed in Circular 42/55 were quoted together with the aim of providing an area in which town dwellers can find recreation and enjoyment for which purpose the existing rural character of the area must be retained. It was stated that since the barn is adjoined by a bungalow and 2 older semi-detached cottages, it was part of a small settlement and not located in the open countryside. Its conversion would not extend this settlement into the countryside, and since the land was privately owned it was not available for public recreation.

5. In my opinion, however, the small group of buildings is isolated development in the open countryside, and cannot accurately be described as a settlement. Although the land is in private ownership, the area as a whole is important as an open area for enjoyment by anyone using public rights of way. The conversion of an existing building would not add additional "bricks and mortar" but the approved Structure Plan clearly states that the Green Belt restrictions apply to the change of use of existing buildings, and since no agricultural justification has been put forward I consider that the proposal is basically contrary to the Green Belt policies.

6. It was claimed that, notwithstanding these policies, an exception should be made in this case because the barn is worthy of preservation. It was pointed out that in the neighbouring County of Buckinghamshire the approved Structure Plan allows for an exception to be made for the conversion of non-residential buildings into housing accommodation where the proposed development would result in the retention, without harm to its character, of a building of special architectural or historic interest, and that the appeal site is only a few yards from the county boundary. The barn, which is constructed in timber, brick, and tile, is located very close to an unmade track leading from Duckmore Lane where it is easily visible. It is the only example of a Shire Horse Foaling Barn of the former Rothschild Estate, and the centre portion is clad internally to provide accommodation for the groom while he was attending to a mare in foal. It was claimed that the building is attractive, and has an historic importance which makes it worthy of preservation. Accordingly you considered that permission should be granted to preserve the barn in its rural setting in the same way as encouragement is given in Conservation Areas for the preservation and conversion of buildings provided that the special character of the building is maintained. It was further stated the deterioration of the building would be detrimental to the visual amenities of the area, and the proposed conversion offered the only viable way to carry out the necessary repairs.

7. I note that the policies quoted in the previous paragraph do not apply to the appeal site, although I do agree that the preservation of historically important buildings is desirable. However, in my opinion, the barn, although attractive, is not of any great visual importance. It is a pleasant building, part of the rural scene, but I do not consider that it forms part of a harmoniously designed group, and its main interest appears to me to be in its previous use which ceased some years ago. The proposed conversion would finally end this use, and, moreover, I agree with the local planning authority that any conversion would materially alter the character of the building so that the barn as it exists today would not be preserved. I therefore consider that no special circumstances exist in this case to justify a departure from the Green Belt policies which apply to the appeal site. Further, the use of the site as a domestic curtilage would, in my opinion, destroy the rural character of the land thus reducing the value of the surrounding area as part of the Green Belt. Although the possible loss of the barn would be regrettable, I consider this to be of less importance than the loss of the rural character of the site.

8. I have considered all the other matters raised including the various appeal decisions which were brought to my attention, and the recent approval in Frithsden. However, each application must be decided on its own merits, and I have explained above why I do not find your clients' proposal acceptable. There are no matters of sufficient weight to make me alter my decision.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant

*W. Harris*

MRS V HARRIS BA DipTP MRTPI  
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr N D Banks

- of counsel instructed by Swatton, Hughes and Co, 11 High Street, Tring.

He called:

Mr P H King ARICS ARSH FATPC

- Partner in Brown and Merry.

FOR THE PLANNING AUTHORITY

Miss P L Parsons

- Assistant Solicitor with Dacorum District Council.

She called:

Mr R A Hill BA MRTPI

- Chief Planner.

INTERESTED PERSONS

Mr Sworder

- Badgers Way, Leafy Lane, Tring.

## DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- " 2 - Copies of extracts from "Planning Appeals".
- " 3 - Copy of extract from Berkhamstead Gazette, 2 November 1979.
- " 4 - Copy of appeal decision at Felden, Herts.
- " 5 - Copy of appeal decision at Bovington, Herts.
- " 6 - Copy of appeal decision at Breachwood Green.
- " 7 - Map showing approximate extent of Green Belt.
- " 8 - Copy of Policy No 2 of approved Structure Plan.

## PLANS

- Plan A - Application Plan.
- " B - Application Plan.
- " C - Application Plan.
- " D - 1/2500 Land Use Plan.