

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning
Ref. No. 4/0083/78

Other
Ref. No.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mr. L. R. N. Lewis,
Hastoe Hill,
NR. TRING,
Herts.

Messrs. Faulkners,
49 High Street,
KINGS LANGLEY,
Herts.

Agricultural Dwelling
.....
.....
at .. Hastoe Hill Farm, Nr. 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 26th January, 1978, and received with sufficient particulars on 27th January, 1978, 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, where there is a presumption against further development unless it is essential in connection with agricultural or other special local needs - insufficient justification has been proven to warrant departure from this principle.

Dated 9th day of March, 19 78.

Signed..... *R. L. Hill*
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.



Department of the Environment

Room 13/09

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

1. #w Register
2. P. H. H. H. H.
3. Ste...
in Daisy

return for inclusion in Report 12/7/01

Direct line 0272-218863
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19 JUN 1979	
Our reference PRF/JB/7960	DATE
FILE Our reference PL/APP/5252/A/78/05180/G9	
Date 18 JUN 1979	

Messrs Faulkners
Chartered Surveyors
49 High Street
KINGS LANGLEY
Herts
WD4 9HU

CHIEF EXECUTIVE OFFICER
19 JUN 1979
Re Ref.
Refer to
Cleared

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR L R N LEWIS
APPLICATION NO. 4/0083/78

010749

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 an agricultural dwelling on land at Hastoe Hill Farm, Hastoe near Tring, Hertfordshire. I held a local inquiry into the appeal on 30 May 1979.

2. It was agreed between the parties at the inquiry that the application the subject of the appeal is in outline. From my inspection of the appeal site and surroundings and the representations made at the inquiry on behalf of your client and of the planning authority and in letters from interested persons, I am of the opinion that a decision in this case turns primarily upon whether there is a sufficient agricultural need to warrant permitting the proposed new, permanent dwelling in the countryside.

3. The appeal site comprises an irregularly shaped area of about 13 hectares of undulating farmland, having a road frontage of about 800 m to the east side of Hastoe Hill north of its junction with Hastoe Row in the vicinity of Hastoe about 1 km south of the town of Tring. At about the centre of the frontage your client's detached, 2-storey house adjoins the road. About 170 m further south along the frontage, and generally in view from the house, is a group of modern agricultural-type buildings with yards and road access, in which your client runs a riding school and livery stables and a pig breeding unit. The riding school is on the north side of the group, in a large covered building with attached storage and separate stabling, to the east side of which stands a large residential caravan. The pig unit, to the south, provides housing for up to about 60 sows and their progeny in 3 detached and one lean-to buildings with a bulk feed silo. These buildings and the house stand on elevated ground on either side of a low, east-west ridge. Southwards the land falls gently for about 100 m to Hastoe Row and the main cluster of development in Hastoe. Northwards from the house, the land falls steeply and irregularly. The site lies in an area not allocated for development on the approved, current County Development Plan and in the Chiltern Hills Area of Outstanding Natural Beauty shown on that plan.

4. In my opinion, Hastoe Hill Farm may fairly be described as lying in a rural area of considerable natural beauty, in which there is a scatter of development well outside any substantial settlement, Hastoe being but a small and somewhat fragmented hamlet. The appeal site is mainly open grassland and much of it is open to view

from neighbouring public roads. The existing house and other buildings on the site are prominently visible from the adjoining road, Hastoe Hill. Although the site lies outside the present boundary of the Metropolitan Green Belt, I have no doubt that the erection of a new, permanent dwelling here, as proposed, would be clearly contrary both to the specific policy of the local planning authority for this area, to restrict development to that appropriate in the green belt, and also to the established national planning policy strictly to control new houses in the countryside. Furthermore, the proposed dwelling would be an addition to the existing sporadic development in this locality which would be likely to cause noticeable damage to the rural appearance and character of the area. Therefore I consider the proposed dwelling is open to material planning objections.

5. Concerning agricultural need, it was conceded in evidence on behalf of your client at the inquiry that the agricultural appraisal letter of 4 September 1978, from the local office of the Ministry of Agriculture, Fisheries and Food, remains factually correct. Your client owns Hastoe Hill Farm and rents, on less than an annual tenancy, 3 hectares of bare land at Drayton Beauchamp some 3 km distant and has a short term arrangement to take a hay crop on a further 3.5 hectares. All manure from the horses and pigs is returned to the land. The pig enterprise is an intensive unit wholly dependent on purchased feeding stuffs. The 5 full-time staff engaged in your client's 2 businesses here comprise the appellant and one employee (who divide their time between the 2 enterprises, the employee being mostly occupied as a stockman with the pigs), the appellant's daughter who acts as head groom with 2 other grooms, the stockman's wife and a girl who lives at Tring. The appellant and his daughter live in the house on the site. The stockman and his wife live in the residential caravan on the site.

6. On your client's personal evidence at the inquiry, he intends to continue to run both his equestrian enterprise and the pig breeding unit at Hastoe Hill Farm, but has no plans to expand the pig unit. I accept the views expressed in the Ministry appraisal that your client's equestrian enterprise is not agricultural and that the pig unit is not connected with the occupation of agricultural land. Concerning the labour requirements and viability of the pig unit, I have also taken into account a letter, dated 27 November 1978, submitted for your client, from The Meat and Livestock Commission. In part of that letter, the view is expressed that the current size of the pig breeding herd on the unit at present cannot justify a man employed full-time, whereas the Ministry appraisal indicates that the unit is of a size likely to require the full-time services of one person. On all the evidence before me, I conclude that the size of the unit (with its present breeding herd and without expansion) is no more than sufficient to require the equivalent of the full-time services of one person. I also conclude that the unit is currently viable, to the extent that its recent profit margin (leaving out of account provision for future replacements of the buildings, which may be needed in about 12 years, and any capital grant aid) offers a competent farmer the prospect of a sufficient livelihood. However the evidence before me leaves no doubt in my mind that the profitability of the unit is dependent not only on the commendably high standard of management achieved by your client, but also on factors outside his control, such as changes in feed costs and the sale value of weaner piglets, so that the long term future of the unit is uncertain.

7. I accept the opinion in the Ministry appraisal, that a person responsible for the pigs should be housed in close proximity, to deal with farrowings and emergencies that may arise at any time. However, in my view, the availability on the land of a permanent dwelling and of a permitted caravan must also be taken into account in this appeal. On your client's own evidence, he set up the pig unit buildings in their present location shortly after he moved into Hastoe Hill Farm

in 1970, when he was intending to revive the perhaps less secure equestrian enterprise run there by the previous owner. Your client indicated that he then judged from his considerable farming experience, that the advantages of the present location of the pig unit (on a south facing slope sheltered from the north by existing buildings and with available piped water, electricity, hardstandings and fencing) made this the only practicable site, notwithstanding what he already foresaw as the disadvantages, for management purposes, of its distance from the house and concealment by the other buildings. I appreciate that it is now most convenient to your client to house a stockman adjacent to the pig unit. However on the available evidence I am not convinced that the location of the pig unit is such as to preclude its satisfactory, day-to-day management (including for security and attendance to stock) from the existing house.


8. It is agreed between the parties that the caravan now on the land is the subject of an extant permission, dated 24 January 1978, conditional upon its occupation by a worker on the pig unit and its removal after cessation of this use and that there have been limited period permissions for the caravan from 1971 onwards. The parties are in dispute whether, as the planning authority contend, your client first received permission for, and used, this caravan primarily to house a person to be employed in connection with the riding school and I find the evidence on this point inconclusive.

9. On the balance of available evidence, there is in my mind uncertainty as to the long-term future and viability of the present pig unit. I consider that there is a current agricultural need for a dwelling in connection with this unit but that this need has not been shown to be sufficient to warrant, at least at the present time, the erection of the proposed permanent dwelling on the modest sized and mainly non-agricultural holding of Hastoe Hill Farm.

10. I have considered carefully the representations made at the inquiry as to the planning history of Hastoe Hill Farm, its former connection with the larger Hastoe Farm and nearby Longcroft Farm, and concerning dwellings off the appeal site which the council contend were, until recent years, associated with one or other of these agricultural holdings. I have also taken into account all the other matters referred to in the representations made at the inquiry and in letters from interested persons. However I find in all these matters nothing to alter materially the balance of considerations that led me to my decision.

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

I am Gentlemen
Your obedient Servant


L W TYERS ARICS
Inspector

APPEARANCES

FOR THE APPELLANT

Mr P R Faulkner FRICS MCAAV

- Partner, Messrs Faulkners,
Chartered Surveyors, 49 High Street,
Kings Langley, Herts WD4 9HU.

He called:-

Mr L R N Lewis

- The appellant in person.

FOR THE PLANNING AUTHORITY

Mr H Brown

- Solicitor, Dacorum District Council.

He called:-

Mr R Hill BA MRTPI

- Chief Planner, Dacorum District Council.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- " 2 - Planning authority's notice of the inquiry with list of addressees and copies of earlier notices.
- " 3 - Letter dated 27 November 1978 from The Meat and Livestock Commission.
- " 4 - Copy letter dated 4 September 1978 from local office of Ministry of Agriculture, Fisheries and Food.
- " 5 - Copy letter dated 15 September 1970 from the Divisional Planning Officer of Hertfordshire County Council to Tring Urban District Council.
- " 6 - Copy of planning permission reference 4/1345/77 for caravan at Hastoe Hill Farm.
- " 7 - Bundle of copy letters from 5 interested persons.

PLANS

- Plan A - The application plan - scale 1/2500.
- " B - Planning authority's plan of the site and surrounding land uses.

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. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971).

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 or Inspector, as the case may be, 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, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No. 420), which relate to the procedure on appeals transferred to Inspectors.

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