

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr D M Holder
16 Little Gaddesden
Berkhamsted
Herts HP4 1PH

Change of use from barn to dwelling
.....
.....
at Little Browlow Farm, Nettleden Road, Little
Gaddesden
.....

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 18 January 1988 and received with sufficient particulars on 22 January 1988 and shown on the plan(s) accompanying such application..

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

The proposed conversion would be physically, visually and aesthetically intrusive and, in consequence, would be unduly detrimental to the existing rural landscape and setting of thispart of the Chilterns Area of Outstanding Natural Beauty.

Dated 17th day of March 19 88

Signed..... *William Barnard*

Chief Planning Officer

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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.

2. 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 Borough 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.

3. 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 s.169 of the Town and Country Planning Act 1971.

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D/516/HB/P

**Department of the Environment and
Department of Transport**



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CHIEF EXECUTIVE OFFICER		OFFICE COUNCIL	
MAR 1989		ACK	
File No.	Admin.	File	
Refer to			
Your reference	Cicc		
Received	- 1 MAR 1989		
Our reference	Comm/APP/A1910/A/88/102926/P4		
Date	28 FEB 89		

D M Holder Esq
16 Little Gaddesden
BERKHAMPSTEAD
HP4 1PA

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0105/88

- I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the conversion of barn to a dwelling at Little Brownlow Farm, Little Gaddesden. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me, together with those made by The Hertfordshire Society, The Little Gaddesden Parish Council, the Bovingdon Parish Council and Councillor F Seely. I inspected the site on 16 February 1989.
- From my inspection of the site and surroundings and the representations made I consider that the principal issue in this case is whether or not there is sufficient justification on agricultural or other grounds to permit the conversion of this building to a dwelling as an exception to the policy presumption against residential development in the countryside within the Chilterns Area of Outstanding Natural Beauty.
- The Council say that the site lies within the Chilterns Area of Outstanding Natural Beauty and draw attention to the policies contained within the Hertfordshire Structure Plan and the Dacorum District Plan, which seek to severely restrict the provision of new residential development unless required for agricultural, forestry or other activity appropriate to a rural area. In this case the Council draw attention to a similar proposal that was dismissed on appeal following a public inquiry in 1985, and say that whilst the impact on adjoining properties has been reduced as a result of design changes, they are still of the view that there is insufficient evidence as to long term viability of the agricultural unit to justify the grant of permission: they suggest that there might be a case for accepting a mobile home for a temporary period, and although this does not form part of the matter before me, is often a method adopted when agricultural viability considerations are in dispute. In considering the proposal on a wider issue the Council have noted the advice contained in Circular 16/87 but say that the broader consideration as to the impact the conversion would have on the landscape and setting of this part of the Chilterns Area of Outstanding Natural Beauty gives rise to adverse effects from the physical, visual and aesthetic intrusion into the landscape which override the presumption in favour of granting permission.

4. You have set out the history and growth of Little Brownlow Farm since it was purchased in 1984 and say that since the 1985 appeal further expansion of agricultural activities now require a full time presence on site of a stockman/farmer. This need particularly arises from the introduction of Angora Rabbits into the enterprise which have a high mortality rate within the first 3 weeks of their lives. In support of the agricultural need for the dwelling you have obtained a report from the Divisional Poultry Husbandry Advisor attached to ADAS who says that the success or otherwise of a rabbitry may be dependent on someone living on the site for the essential welfare of the animals. You draw attention to Circular 16/87 and say that Government Policy has changed as regards the re-use of redundant farm buildings since the 1985 appeal, and in your view it would make more sense to use an existing building for residential use rather than put on the site a mobile home. Conversion of the original house and stables has already been carried out and the principal that has been established should be continued to the remaining redundant building which was also within the curtilage of the house.

5. In support of your appeal you have also referred to various other planning decisions and sites in the locality and I have taken due note of these, whilst at the same time dealing with your case on its individual merits.

6. I saw on my inspection that the land comprising your holding extended to 2 paddock areas fronting Nettleden Road with a yard area to the east: 2 further fields extend behind Little Gaddesden House. You own 12 ponies that are kept at the site of which 10 were outside grazing and the yard area contains a timber building laid out as 8 animal stalls and I saw in this building 2 ponies and 3 rabbits. A small lean-to shed is located to the north of this building, and foundations have been laid for a calf fallow on unit. Within this general area I also saw 23 sheep owned by you. Apart from the building subject to your appeal there are no other agricultural buildings on the site and in addition to the livestock to which I have referred you also have a few chickens at the site. Inside part of the appeal building there are a further 8 rabbits.

7. Whilst I have fully considered the history and development of your holding so far, I am of the view that the size of the holding and very limited amount of agricultural activity being carried out at present does not constitute sufficient justification as yet for the provision of permanent residential accommodation. I recognise your plans for the holding as set out in the grounds of appeal and take due note of the advice that you have received regarding animal husbandry and supervision, and it may well be that at some future date positive support from the Ministry of Agriculture Fisheries and Food as to the viability of the holding could justify a full-time worker living on the site. At this stage no such support has been given, and for the reasons that I have set out above I do not consider that justification exists on agricultural grounds for a permanent dwelling on the evidence of the current use of the holding.

8. Since your purchase of the holding in 1984 you have slowly developed the site and the plans that you now have envisage additional expansion to include a calf fallow on unit and a pole barn. The building subject to this appeal is basically sound, only in need of some roof repairs and weatherproofing to make it suitable for agricultural purposes. Although it may be redundant from its original purpose as part of the curtilage of Little Gaddesdon House, it is now located on a holding that you are actively developing and in my view it could usefully serve the agricultural needs of the unit without the necessity for further buildings to be built in this attractive part of the Hertfordshire countryside. I do not therefore regard the building as being agriculturally redundant having regard to the expansion plans that

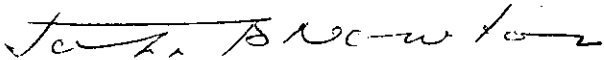
you have and the possible need for this building to be brought back into agricultural use either in whole or in part, which in fact has already happened.

9. I conclude therefore that there is insufficient justification to permit the conversion of this building to residential use on agricultural or other grounds as an exception to the national and local policies which seek to protect the countryside from further residential development, which protection is particularly important in this area of outstanding natural beauty.

10. I have taken into account all the matters raised in the representations including reference to traffic, road safety, privacy and loss of amenities, that I consider to be subordinate to the determining issue that I have set out above.

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

I am Sir
Your obedient Servant



JOHN B NEWTON FRICS
Inspector