



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

Common Services

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STUDENT COUNCIL

Ref.

Ack.

C.P.O.

Admin.

File

- 7 OCT 1983

Comments

B Johnson Esq
13 Deans Furlong
TRING
Herts
HP23 4AR

Your reference

Our reference: EXECUTIVE
T/APP/A1910/A/83/1680/PH3

Date

- 4 OCT 1983 7 OCT 1983

Ref.

R.

Cleared

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR G TERRY
APPLICATION NO: 4/0138/83

7668

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for the erection of a dwelling on land adjoining The Forge, Shantock Lane, Bovingdon, Hertfordshire.
2. From my inspection of the site and its surroundings which I carried out on 22 August 1983, and consideration of the representations made by you and by the council, I am of the opinion that this case turns on 2 issues. These are whether the agricultural need for a dwelling on this land is sufficient to outweigh planning objections to building development in a rural area within the green belt, and whether there are other exceptional circumstances to override such objections.
3. On the first issue, the site of the proposed dwelling is within a predominantly open rural area roughly one mile from the village of Bovingdon and some 2-3 miles from Chesham. There is scattered development in the area, mainly farms and old houses, but the appeal site is surrounded by open agricultural land except for your client's forge adjoining to the east. The site is within the metropolitan green belt in the approved county development plan and also included in an Area of Great Landscape Value in the non-statutory review, Hertfordshire 1981. It is also included in the green belt in the draft local plan which has been deposited but not finally adopted.
4. The green belt policies of the structure plan and draft local plan provide that permission will not be given except in very special circumstances for the construction of building for purposes other than agriculture, small scale facilities for sport and recreation or other uses appropriate to a rural area. I appreciate that your client owns about ½ acre of poor grazing land, part of which would be used as the site of the proposed dwelling, and that he is able to farm also a further 1¾ acres of similar land to the south owned by his mother. This land formed part of a 31.6 acre agricultural holding for which an agricultural dwelling was approved; this dwelling was subsequently built and is now in separate ownership from the 2¼ acres available to, and used by your client.

5. Your letter dated 28 January 1983 accompanying the application states that your client intends to build up a small livestock unit on this land. At the time of my visit it was being grazed by 2 horses and a few geese; part of a small brick building south of the forge was also being used as a pig sty and contained 3 young pigs, and another part apparently comprises winter quarters for the geese.

6. I note that the County Valuer and Land Agent's Department has been consulted on the agricultural aspects of the application. After discussing with your client his proposals, an officer of this department expressed his opinion to the Chief Planning Officer of the district council that the application had little agricultural significance at the time and that the unit was not capable of becoming commercially viable unless an intensive livestock unit or horticultural enterprise was established; he did not consider that there was an agricultural justification for a dwelling and regarded your client's future proposals as not sufficiently detailed for constructive comment. I appreciate that an application has been made for the erection of a store for hay and straw, but in view of the small area of land available, the low intensity of the present agricultural use, and the apparent absence of firm proposals for establishing a use on a scale sufficient to produce a viable agricultural unit, I do not consider that the agricultural need is sufficient to overcome planning objections to a dwelling on this land.

7. On the second issue, I appreciate that a dwelling next to his forge would be more convenient to your client than living in Chesham. However, without in any way doubting the importance of the service he provides for the local community as a blacksmith and farrier, no evidence has been produced to establish that it is necessary to his work that he shall live in the immediate vicinity of his forge. I am therefore unable to conclude that circumstances in this case are sufficiently exceptional to outweigh objections to the siting of the proposed dwelling in an open rural area within the approved green belt.

8. I have taken into account all the other points raised in the representations but none of them outweigh the considerations which have led to my conclusions.

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

I am Sir
Your obedient Servant

H M A Stedham

H M A STEDHAM ARICS FRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mr G Terry 'Rose Cottage' Lycrome Road Chesham Bucks
Mr B Johnson 13 Deans Furlong Tring

One dwelling - outline
.....
at land adjacent The Forge
Shantock Lane, Bovington

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 28th January 1983 and received with sufficient particulars on 1st February 1983 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 Metropolitan Green Belt on the Approved Country Development Plan and in an area referred to in the Approved County Structure Plan (1979) where-in permission will only be given for the use of land, the construction of new buildings, changes of use or extension of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.

Dated 17th day of March 19 83

Signed [Signature] Chief Planning Officer

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, 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.
- (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.

H.C.C. Code No.	W/1774/70
L.A. Ref. No.	7222

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the Borough of

Urban District of

Rural District of HEMEL HEMPSTEAD

TOWN & COUNTRY PLANNING ACTS, 1962 to 1968

To Mr. G.F. Terry,
Maples Farm,
Shantock Lane,
BOVINGDON, Herts.

<p>.... Erection of a Forge.....</p> <p>.....</p> <p>at Shantock Lane, Bovington.</p> <p>Part of Parcel 152 O.S. Herts. XXXVIII.1.</p>
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Brief description and location of proposed development.

In pursuance of their delegated powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council on behalf of the Local Planning Authority hereby permit the development proposed by you in your application dated 16th June, 1970 and received with sufficient particulars on 29th July, 1970 and shewn on the plan(s) accompanying such application, subject to the following conditions:-

- (1) The development to which this permission relates shall be begun within a period of five years commencing on the date of this notice.
2. The development hereby permitted shall not be carried out otherwise than in conformity with a scheme of landscaping treatment of the site which shall be submitted to the local planning authority concurrently with the submission of details relating to the matters reserved in this permission, and no development of the site shall be begun until the local planning authority has in writing expressed its approval of the landscaping scheme.
3. The landscaping scheme submitted in compliance with the requirements of Condition 2 above shall show:
 1. which of the existing trees, shrubs and/or hedges are to be retained.
 2. what new trees, shrubs and/or hedges are to be planted, together with the species and the method of planting to be adopted.
4. The premises shall be used as a Smith's Forge and for no other purpose whatsoever (including any other purposes in Class 4 of the Schedule of the Town and Country Planning (Use Classes) Order 1963).
5. A sample of the materials to be used on the external elevations of the building shall be submitted to and approved by the local planning authority before the commencement of the development hereby permitted.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:-

- (1) To comply with the requirements of Section 65 of the Town & Country Planning Act, 1968.
- 2, 3 and 5.

In the interests of the visual amenities of the locality.

4. To ensure the proposed building is not used for any purpose which would be contrary to the County Council's Green Belt policy which seeks to prevent new building development in Green Belt areas except when justified by agricultural or other essential need.

Dated 20th day of October 1970

[Signature]
Clerk/Surveyor of the Council.

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 Minister of Housing and Local Government, in accordance with section 23 of the Town and Country Planning Act 1962, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Minister of Housing and Local Government, Whitehall, London, S.W.1.) The Minister 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 Minister 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. (The statutory requirements include section 6 of the Control of Office and Industrial Development Act 1965 and section 23 of the Industrial Development Act 1966).

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Minister of Housing and Local Government 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VIII of the Town and Country Planning Act 1962 (as amended by the Town and Country Planning Act 1968).

(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 Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 123 of the Town and Country Planning Act 1962.