

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To McManus Developments Ltd  
The Firs  
Aston Abbotts  
Aylesbury

.... Residential Development (Outline) .....

....

at .. Land adjacent to "Paddock Cottage", Chapel End Lane ...

.... Wilstone .....

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 .... undated ..... and received with sufficient particulars on .... 20 February 1987 ..... and shown on the plan(s) accompanying such application.

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

- (1) The site is within a rural area beyond the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings or changes of use 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.
- (2) The proposed development is not supported by evidence of local need sufficient to satisfy Policies 3 and 4 of the adopted Dacorum District Plan.

Dated ..... 30th ..... day of .... April ..... 19 87 ...

Signed .....  .....

SEE NOTES OVERLEAF

P/D.15

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.



Department of the Environment and  
Department of Transport

Common Services

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CHIEF EXECUTIVE  
OFFICER

21 JAN 1988

File No. ....  
Referred to .....  
Closed .....

Blandy and Blandy  
1 Friar Street  
READING  
Berkshire  
RG1 1DA

Your reference  
NJB/9/PLANNING DEPARTMENT  
Our reference  
DACORUM DISTRICT COUNCIL

Ref. T/APP/A19107A/87/073507/P4

Date 17 JAN 88

C.P.O.	D.P.	D.C.	S.C.	Admin.	File

Received 21 JAN 1988

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 3  
APPEAL BY MCMAHUS DEVELOPMENTS LTD  
APPLICATION NO:- 4/0249/87

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 Borough Council to refuse outline planning permission for residential development on land adjacent to Paddock Cottage, Chapel End Lane, Wilstone, Nr Tring, Hertfordshire. I have considered the written representations made by you and by the council, and also those made by other parties. I inspected the site on 23 November 1987.

2. From my consideration of the written representations received and having visited the site and its surroundings, I am of the opinion that the principal issue in this case is whether the proposed development would materially conflict with approved planning objectives of resisting development in the rural parts of Hertfordshire, and if so, whether there are nevertheless special circumstances that would justify me granting consent in this case.

3. The appeal site comprises some 0.8 ha of land situated on the northern side of Chapel End Lane, Wilstone. To the north of the site is an animal food processing factory, whilst to the east is the curtilage of Paddock Cottage, which fronts onto Tring Road. Immediately to the west of the site are the curtilage of No. 9 Chapel End Lane, a listed building, and open agricultural land. Chapel End Lane is an adopted highway, without footways, and except along that length fronting the appeal site, is bounded in the main by a variety of residential premises.

4. The appeal site itself contains a number of buildings having a gross floorspace of some 1,200 sq m formerly used as a poultry farm, together with associated concrete hardstandings. However the south-western third of the site, or thereabouts, is undeveloped and appears to be used intermittently for rough grazing. A narrow strip along the Chapel End Lane frontage of the site lies within the Wilstone Conservation Area.

5. Policies concerning the provision of new residential development in Wilstone are contained in the approved Hertfordshire County Structure Plan, with approved alterations, and the adopted Dacorum District Plan, which has been certified as being in conformity with the approved County Structure Plan. I note that a review of the County Structure Plan has recently been the subject of an examination in public, and that the report of the Examining Panel is awaited. Until such time as this report is available the policies contained in the review remain a "material consideration" for the purpose of development control.

6. Wilstone lies within the rural area beyond the Metropolitan Green Belt. The broad objective of the several inter-related policies contained in the aforementioned Plans concerning the control of new residential development within this area is one of restraint. Within the rural area development in general is to be confined, except in very special circumstances, to that which is required for the purpose of agriculture or forestry, suitable leisure activities which cannot reasonably be located within an urban area, and other uses appropriate to a rural area. In rural settlements beyond the Green Belt development will normally only be permitted in those settlements selected for that purpose, or in special circumstances in other settlements when required to meet the needs of the rural parts of the District. These needs are identified as including households in stress without accommodation of their own or living in intolerable conditions, households requiring special types of accommodation (eg the disabled or sheltered accommodation), and households required to move into the area as key workers.
7. Wilstone is not identified in the approved district plan as a settlement wherein new residential development will normally be permitted. The proposed development is clearly not required specifically for the purpose of agriculture, forestry or leisure activities. Neither has any substantive evidence been submitted to demonstrate that the proposed dwellings are required to meet the needs of the rural parts of the District. Indeed evidence submitted in support of the proposal appears to indicate that the proposed dwellings are intended to provide accommodation for families who wish to reside in a rural area but who would otherwise maintain employment and utilise educational, social and other facilities in Tring or other nearby towns, rather than to provide accommodation for disadvantaged members of society or to meet a special rural housing need.
8. The development of the appeal site, albeit at a low density, would thus materially conflict with the broad policy objectives of recently approved or adopted Plans. I am of the opinion that these policies are well founded, and that in order to ensure that effective and co-ordinated control is exercised over development throughout the district as a whole, these policies should not be lightly set aside. Nevertheless, notwithstanding the strong policy objection to your proposal, I have carefully considered whether there are any special circumstances that would justify me granting consent in this case.
9. As noted above, approximately two thirds of the appeal site comprises a now disused poultry farm. The vacant buildings are at an early stage of decay, and there is clearly a danger that if the site remains unused it will become increasingly derelict with the passage of time. There is no evidence in the information before me that the former use of the site as a poultry farm resulted in any form of environmental disturbance, either by noise, smell, or the generation of an excessive volume of traffic. However I am of the opinion that, in general, intensive animal farming activities should not be conducted in close proximity to residential premises, and that the reactivation of the former use, or a comparable intensive animal farming activity, on the appeal site, may have an adverse effect upon the amenities of nearby dwellings. The redevelopment of the site as proposed would clearly eliminate this risk. On the other hand I am of the opinion that the total site still has some, albeit limited, potential for agricultural use, either in isolation, possibly, for example, for some form of horticultural use, or in conjunction with adjoining agricultural land.
10. Whilst it has been suggested that the redevelopment of the site for residential purposes would result in the permanent removal of an inappropriate use and the beneficial use of land which may otherwise fall into dereliction, I am concerned that the total site includes a substantial undeveloped area of land that is clearly capable of being put to some form of productive agricultural use. The development of this part of the site would result in an extension of the physical limits of the village into open countryside, with a consequential erosion of agricultural land.

Thus, any environmental benefit that may accrue from the redevelopment of the former poultry farm would be negated by this loss of agricultural land. I must therefore conclude that in this case there are no special circumstances sufficient to justify me setting aside the aforementioned policy objections to your proposal.

11. I have considered all other issues raised by the parties concerned, together with the comments of the Tring Rural Parish Council. I have also had regard to the advice contained in Circulars 22/80, 15/84, 22/84, 14/85 and 16/87, together with Development Control Policy Note No. 4. However none of these are of sufficient weight to justify me setting aside my conclusion that the proposed development would materially conflict with approved policies for development in Wilstone, and that there are no special circumstances or overriding reasons why these policy objections should be set aside in this particular case.

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

I am Gentlemen  
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'P. I. Beasley', is written over a large, stylized, looping flourish that extends across the line of the signature.

P I BEASLEY DipTP-DipLD-MRTPI  
Inspector