

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning 4/0264/75
Ref. No.

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Other 406/75D
Ref. No.THE DISTRICT COUNCIL OF **DACORUM**

IN THE COUNTY OF HERTFORD

To **Mr. M. G. Mills,**
The New House,
Greenways,
Abbots Langley,
Herts.**Agent: Faulkners, Chartered Surveyors,**
43 Market Street,
Watford,
Herts.**Agricultural dwelling**at **Rose Farm, Water 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 **17th March 1975** and received with sufficient particulars on **19th March 1975** and shown on the plan(s) accompanying such application..

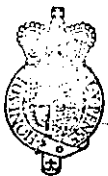
The reasons for the Council's decision to refuse permission for the development are:—

- 1) **The site of the proposed development is within an area shown as 'No Notation' on the County Development Plan and Hertfordshire 1981, wherein 'Green Belt' policies apply and the policy of the Local Planning Authority is not to permit development unless it is required for agricultural or other special purposes. No such justification has been proved in this case.**

Dated **10th** day of **June** 19 **75**Signed.....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.



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control
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Your reference
PRF/SKO/6908
Our reference
T/APP/5252/A/75/7517/G9
Date
2 - FEB 76

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR M G MILLS
LOCAL AUTHORITY REFERENCE: 4/0264/75: 406/75D

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 erection of a dwelling at Rose Farm, Water Lane, Bovington. I held a local inquiry into the appeal on 16 December 1975.
2. In the light of the representations made and of my inspection of the site and its surroundings I consider that the decision depends on whether the need for this dwelling on agricultural grounds outweighs the objections arising from the fact that the site lies in a rural area where green belt policies are applied for the time being and there is a general presumption against development.
3. Your client said that his family had been butchers for 3 generations. At the present time he had a wholesale and retail business with shops in Abbots Langley and Watford. He had bought the appeal site in 1971. The farm house had already been severed from the land and he had been unable to buy more than about 14.5 acres of the 23 acre holding owned by the vendor. His intention at first had been to store cattle here prior to slaughter at a nearby slaughterhouse. An increasing part of his business since then had, however, been concerned with the purchase of calves at Smithfield, and elsewhere, for slaughter in order to supply veal to the luxury West End trade and shipping lines. Owing to the cost of feeding stuffs and to poor technology supplies of veal from the United Kingdom had dried up in recent years and most of the present supplies came from Holland. He wished, in the light of the specialised knowledge which he had acquired, to start intensive production at Rose Farm. He had spent £8,000-£9,000 on the existing yard and buildings and had erected a new barn measuring 60 ft x 60 ft which would accommodate 250 calves. With good management the holding could produce about 750 calves per year and prices at the moment were such that there could be a net profit of at least £10 per calf.
4. It would however be quite impossible to proceed with this project unless there was someone living full time on the holding to cope with emergencies and prevent pilferage. The appellant's elder brother, at present living in a council house in Watford, was willing to take on this work. As an independent man he was

prepared to work long hours at a steady pace. There was at present a caravan parked in the yard but planning permission to occupy it as an agricultural dwelling had been refused in 1970. Looking after animals was dirty work and a bungalow with a proper bathroom would be preferable but unless there was some living accommodation on the farm no further progress with this project was possible.

5. You submitted that an agricultural dwelling on this holding would do no serious harm to the environment. The site was not in the green belt and the council were wrong to apply green belt policy rigidly here. There had been discussions with an officer of the County Land Agent's department in May 1975 but it seemed that the authorities required absolute proof of the viability of any new agricultural project before they would permit a new dwelling. In the present case this was virtually impossible and agricultural development would be stifled unless there was more flexibility. In cross-examination at the inquiry the council's agricultural witness had agreed that because of his special experience and connections the appellant's proposals might be viable and that with 250 calves on the holding it would be very desirable to have somebody living very close. All enterprise was speculative and it would be disastrous if this appeal was dismissed just because there was no proof that what would be a viable project today would also be viable in ten years time.

6. The council referred me to the planning history of Rose Farm, to the approved County Map and to the non-statutory review adopted in 1972. The site was only about 100 yds outside the approved green belt and well outside any village and approval clearly ought not to be given for inessential development here. If they were to allow new dwellings in circumstances where farm houses had been sold separately planning control would be by-passed and rural amenities would suffer. This point was clearly recognised in Development Control Policy Note No 4 published by the Department. On the basis of the information supplied with this application they had formed the opinion that the appellant's enterprise would not be viable as an agricultural unit and that if a dwelling was permitted there was every likelihood that the land would cease to be used for agricultural purposes and would eventually be used (for example) for keeping ponies. The appellant should have established whether or not he would be allowed to erect an agricultural dwelling here before spending so much money on the farm buildings. Even now further expenditure would be necessary to improve the ventilation in the new barn and to provide a concrete floor and drainage before it could accommodate 250 calves.

7. I know that pressures for development in rural areas such as this which can be reached in under an hour from central London are very strong. Without doubt the council should be supported in resisting the fragmentation of farms leading to sporadic development in rural areas whether or not they are within the approved green belt. Although the appellant is in an exceptional position to market his produce I should need independent evidence before I was satisfied that the enterprise on which he proposes to embark on this very small holding would be viable on a long term basis. Without independent evidence I am not prepared to permit the erection of a dwelling here which might well remain long after the holding had ceased to be viable as an agricultural unit. The appeal fails for this reason.

8. I have considered all the other matters raised at the inquiry but they do not outweigh those which I have mentioned. I realise that it would be very difficult indeed to provide satisfactory evidence on this point and I am

anxious not to give the impression that the Secretary of State intends agriculture to be fossilised and to discourage enterprise. I am only able to deal with the case that has been transferred to me but I should like to draw the council's attention to the evidence which is summarised above. They may well consider (as I am inclined to do) that the project which was described to me should be encouraged in the national interest and that very little harm would be done to the amenities of this area or to their policy if permission was granted for a period of (say) 5 years for the stationing of a residential caravan on this holding. After 5 years had passed they would be probably in a better position to judge whether this project is viable and whether a permanent dwelling on this holding is justifiable. It is also possible that in the interval the appellant would be able to buy a conveniently situated house with or without additional land.

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

T Beaumont

T BEAUMONT, MA, IMRTPI
Inspector