

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning

Ref. No. 4/0382/76

Other

Ref. No. 601/76D

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. Mills,
The New House,
Green Ways,
Abbots Langley,
Herts.

Agents: Faulkners,
43 Market Street,
Watford.

.... Stationing of residential caravan

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 2nd April, 1976 and received with sufficient particulars on 5th April, 1976 and shown on the plan(s) accompanying such application..

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

Although the site of the proposed development is within an area of 'No Notation' on the County Development Plan (and statement of policies and objectives "Hertfordshire 1981") wherein Green Belt Policies apply and there is a presumption against any development unless specifically required for agricultural or other special purposes insufficient justification has been proven in this particular case.

Dated 27th day of May 19 76..

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.



Department of the Environment

Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 384

CHIEF EXECUTIVE
OFFICER

19 OCT 1977

The Ref.
Refer to DIS
eared

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

Your reference PRF/LAC/7321

Our reference T/APP/5252/A/76/9109/G9 &
T/APP/5252/A/77/4136/G9

Date
18 OCT 77

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY MR M G M MILLS
APPLICATIONS NO:- 601/76D AND 1720/76D

007937

1. I refer to your client's appeals, which I have been appointed to determine, against the decisions of the Dacorum District Council 1. to refuse planning permission for the stationing of a residential caravan (appeal ref no T/APP/5252/A/76/9109/G9) and 2. to grant planning permission subject to conditions for the stationing of a residential caravan (appeal ref no T/APP/5252/A/77/4136/G9) at Rose Farm, Water Lane, Bovington.
2. The condition in dispute in the second appeal is No 1 which provides that the permission granted shall expire on 31 December 1979.
3. Although neither of the applications subject of these appeals states that the caravan is required for use in connection with agriculture or is being requested on a temporary basis, I note that in the grounds of both appeals the proposed development is described as a caravan for an agricultural worker, and in the grounds of the second appeal it is specifically stated that temporary permission for 5 years is being sought. As I am empowered in determining an appropriately transferred appeal against a condition imposed when planning permission has been granted to reverse or vary any part of a local planning authority's decision, or to deal with the application as if it had been made to the Secretary of State in the first place, it seems to me that I have full scope to decide on the basis of the second appeal alone whether permission should be granted permanently, or for any lesser period, and whether an agricultural occupancy condition should be imposed. It is thus unnecessary for me to deal with the appeals separately.
4. From my inspection of the site and surroundings on 10 October 1977, and from my consideration of the written representations made by you, the council and interested persons, I am of the opinion that the determining issues are whether the site is suitably located for the stationing of a caravan for residential purposes and, if not, whether there is an overriding need on agricultural grounds for the caravan either permanently or for a period beyond 31 December 1979.
5. The appeal site is situated in a rural area outside the recognisable limits of any village or residential settlement proper, and is in countryside shown as being without notation in the County Map where, for the purposes of development control, the local planning authority are applying green belt policies. Pending a final decision on the green belt proposals as a whole, I can find no cause to disagree with the application of such a policy in this particular instance as I consider any

form of purely residential use of the site, including the stationing of a caravan for such a purpose, would be inappropriate and harmful to the rural character of the area, even though there are some sporadically sited dwellings, mainly of long standing, nearby. I am accordingly of the view that your client's proposal would only be acceptable if it could be shown that it was necessary for agriculture.

6. At present there is no viable agricultural use - in the sense of providing a livelihood for a full-time worker - being made of your client's land, but I understand it is his intention to establish an intensive livestock breeding unit for veal production. Some £8-9,000 has already been spent on a new barn and the yard, but the project cannot proceed until there is accommodation at the farm for a worker to care for the animals. The council accept that if such a unit were to be established there would be a requirement for a person to live on the spot, but because there is no need at present, and they have some doubts whether a viable unit will, or could be established, they have only granted temporary planning permission for the stationing of a caravan until 31 December 1979. It seems to me that if in fact your client's plans were successfully brought to fruition the council would have no grounds for refusing to extend the permission, and if they were satisfied about the long term future and viability of the enterprise after a trial period they might consider a permanent dwelling was justified. Your client's fears are thus probably groundless. However I appreciate that further substantial capital outlay will be required to make the barn suitable for livestock breeding, and while permanent permission for a caravan would not, in my opinion, be justified at this stage I can understand your client's desire to have a guarantee of a somewhat longer period than at present permitted in which to recoup the capital outlay. Provided an agricultural occupancy condition was retained to enable the council to ensure that the caravan was being used for the intended purpose, I would not consider a 5 year trial period inappropriate in these particular circumstances, but I should stress the importance I attach to the caravan being occupied solely in connection with agriculture from the date the permission is exercised and, in my view, the council would be fully justified in taking action if this were not so.

7. I have examined all the other matters raised in the written representations, but there is nothing of sufficient weight to affect my decision.

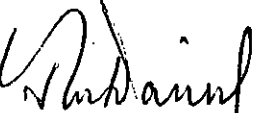
8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss appeal ref no T/APP/5252/A/76/9109/G9, and allow appeal ref no T/APP/5252/A/77/4136/G9 and grant planning permission for the stationing of a caravan at Rose Farm, Water Lane, Bovington in accordance with the terms of the application (No 1720/76D) dated 22 October 1976 and the plans submitted therewith, subject to the following conditions:-

1. the development hereby permitted shall cease on or before 5 years from the date of this letter;

2. the occupation of the caravan shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such person residing with him), or a widow or widower of such a person.

9. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



J M DANIEL DFC MBIM
Inspector