

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Gade Spring Watercress Farm
Old Fishery Lane
Hemel Hempstead
Herts

Chalet Bungalow (Outline)

at Gade Spring Watercress Farm, Old Fishery Lane,
Hemel Hempstead

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 29 February 1988 and received with sufficient particulars on 3 March 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 site is within 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, 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.

Dated 28 day of April 1988

Signed

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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**CHIEF EXECUTIVE
OFFICER**

31 MAR 1989

File No.
Refer to
Cleared

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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL							
Ref.				Ack.			
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	
Received				31 MAR 1989			
Comments							

Your Reference:
RTH/KJ

Our Reference:
T/APP/A1910/A/88/106330/P4

Date: 29 MAR 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY GADE SPRING WATERCRESS
APPLICATION NO: 4/0404/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal which is against the decision of the Dacorum Borough Council, to refuse planning permission for the erection of a two bedroomed chalet bungalow on land at Gade Spring Watercress Farm, Old Fishery Lane, Hemel Hempstead. I have considered the written representations made by you and by the council and I inspected the site on 20 February 1989.
2. The appeal site is an irregular plot on the frontage of Gade Spring Watercress Farm to the west side of Old Fishery Lane south of Hemel Hempstead. The site is in the Green Belt between the River Bulbourne to the north and the Grand Union Canal and railway line to the south. To the north of the river are a few dwellings and the main part of Hemel Hempstead and to the south of the canal are a couple of houses. Your clients Messrs H Mills and E G Smith, who run the farm, intend to erect a two bedroomed chalet bungalow with garage.
3. The approved County Structure Plan in Policy MGB2 stated that within the Green Belt, except for development in Green Belt settlements referred to, permission would not be given, except in very special circumstances, for development for purposes other than that required for mineral extraction, agriculture, small-scale facilities for participatory sport and recreation, or other uses appropriate to a rural area; or the use for hospitals or similar institutions situated in extensive grounds. The 1986 Review of the County Structure Plan, now operative, continues that and other Green Belt policies.
4. From the material before me I conclude that your client's scheme does not come within the term very special circumstances used in the Structure Plan and the appeal site is clearly not within the built-up area of the settlement. Policy MGB2 in the Structure Plan is reinforced by Green Belt policies in the adopted Dacorum District Local Plan which reinforce the national presumption against development in the Green Belt other than for certain purposes regarded as appropriate in a rural area. The decision in this matter, in my opinion, from the written representations and from my inspection of the site and the surroundings turns on whether the arguments in support of your clients' case outweigh the strong presumption against development within the Green Belt.

5. I therefore turn to examine your clients' arguments based on agricultural need, in the light of national guidance on development for agricultural purposes. The Annex to Circular 24/73 sets out the tests to be applied when assessing proposals for agricultural dwellings. The council do not question the viability of the farming enterprise or its labour requirements but whether living accommodation is needed on the holding. The Annex to Circular 24/73 emphasises that need in this context means the need of the farming enterprise rather than that of the owner or occupier of the farm. Your clients refer to the increased risk of vandalism and theft and to the importance of maintaining the pumped water supply to the watercress particularly during times of frost.

6. However in my opinion, from the information before me, your clients, who do not live far away, have not shown any compelling argument why security cannot be improved by other methods, such as an alarm system, or why a stand by generator or a back up pumping system is not practicable. In the absence of what I consider to be valid reasons why a dwellinghouse should be erected on the farm I do not accept that the strong national presumption against development in the Green Belt should be set aside. In my opinion the erection of a dwelling on the appeal site would cause harm to this area which, though not far from the centre of Hemel Hempstead, is secluded and rural in character and appearance. To my mind a new dwelling here would be detrimental to the nature of this narrow area of watercourses and low lying meadows and it would also tend to frustrate long established aims of the Green Belt policy, namely, to check the further growth of a large built-up area and to safeguard the surrounding countryside from further encroachment. I therefore conclude that there is sound planning justification to turn down your clients' proposal.

7. I have considered all other matters raised including national expressions of support for small businesses but none is more important in my opinion than the considerations which formed the conclusions leading to my decision.

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

I am Gentlemen
Your obedient Servant



C G WEST LLB FBIM FCIS Solicitor
Inspector