

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning 4/0477/76

Ref. No.

Other
Ref. No. 704/76D

THE DISTRICT COUNCIL OF DROGHDA
 IN THE COUNTY OF HERTFORD

To

Mr S. C. Freeman,
 Lane 1200,
 Watlington,
 Oxon.

Agents: Messrs. Norton Rose Potterell & Roche,
 Solicitors,
 Kensington House,
 Canonville Street,
 London W3 7AB.

removal of agricultural occupation condition on
 original permission
 at Watlington, 'Millington' Lane Farm, Watlington, Oxon.

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 26th April 1976 and received with sufficient particulars on 27th April 1976 (complete 5th May 1976) 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 an area shown on the County Development Plan as 'No Notation' where Green Belt policies apply i.e. not to allow development unless required for agricultural or other special purposes. Insufficient justification has been submitted in this case for the removal of the agricultural occupation condition imposed on the original permission given by the former Minister of Housing and Local Government on appeal.

Dated 17th day of June 1976

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 / Department of Transport /

Eastern Region

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EC3A 7AN

Your reference

15/S1623

Our reference

APP/5252/A/76/8653

Date

18 April 1977

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36
APPEAL BY MRS C FREEMAN
APPLICATION NO. 4/0477/76

704/76.

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mr A J Bingham, TD, Dipl Arch, ARIBA, who held a local inquiry into your client's appeal against the decision of the Dacorum District Council to refuse to grant planning permission for the continued use of the dwelling at "Hillcrest", Lane Farm, Bovingdon without complying with the condition attached to planning permission W/2601/63 dated 10 March 1965 which provides that:

"The occupation of the dwelling shall be limited to a person employed, or last employed, locally in agriculture as defined in section 221(1) of the Town and Country Planning Act 1962, or forestry, or a dependant of such a person residing with him (but including a widow or widower of such a person)."

A copy of the report is enclosed.

2. The Inspector said in his conclusions:-

"In view of the changed circumstances at Lane Farm it is unlikely that the remains of the former holding retained in ownership by the appellant will ever again be used as an independant agricultural enterprise. This is certainly the case having regard to the limited area of land now available to support a business and the massive capital investment required to provide new buildings and plant to sustain a marginally viable holding. Consideration of these matters leads me to the opinion that the dwelling on the appeal site is surplus to the agricultural requirements of the appeal site and the adjoining land owned by the appellant.

It is quite possible that the dwelling could house a person engaged locally in agriculture but employed elsewhere or perhaps even a retired agricultural worker. It appears that there is a demand for accommodation for agricultural workers in the locality of the appeal site. I do not feel that this aspect has been fully explored. The market for this type of accommodation has not been fully tested as at no time has the dwelling been publicly advertised for sale or to let by an agent or any other means. I consider that the agricultural occupancy condition should remain imposed on the permission granted in 1965."

The Inspector recommended that the appeal be dismissed.

3. The Secretary of State agrees with the Inspector's conclusions and accepts his recommendation. Therefore he hereby dismisses your client's appeal.

I am Gentlemen
Your obedient Servant

A R FULLER

Authorised by the Secretary of State
to sign in that behalf