

Town Planning
Ref. No. **4/0498/77**

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To

**Dexion-Comino International Limited,
Maylands Avenue,
Hemel Hempstead,
Herts.**

**Agents: Clifford Tee & Gale,
5 Eccleston Street,
London S.W.1.**

Access Road/Front Entrance
at Maylands Avenue, Hemel Hempstead, Herts.

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 permit the development proposed by you in your application dated **10th May 1977** and received with sufficient particulars on **12th May 1977 (as amended 27th June 1977)** and shown on the plan(s) accompanying such application, subject to the following conditions:-

- (1) The development to which this permission relates shall be begun within a period of **5** years commencing on the date of this notice.
- 2) No work shall be started until a comprehensive scheme of landscaping (including all existing trees not affected by the development hereby permitted and a beech (or similar) hedge screen on the top of the banking formed around the parking bays) for the site, shall have been submitted to, and approved by, the Local Planning Authority. This landscaping scheme shall be implemented strictly in accordance with the approved details in the first planting season following the occupation of the development and shall be maintained at all times thereafter to the reasonable satisfaction of the Local Planning Authority.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.
- 2) **To ensure the proper development of the site, in the interests of visual amenity.**

Dated.....5th.....day of.....July.....1977

Signed.....

Designation **Director of Technical Services**

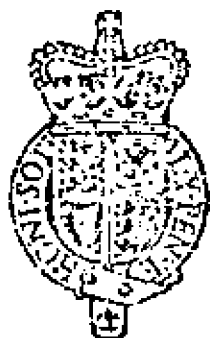
NOTE

(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 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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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TECHNICAL SERVICES SECTION

PLANNING SECTION

11 SEP 1978

Council References:

T.411/RW/4/0499/77 and 4/0277/78E

Your reference

4/1363/77

Our reference

T/APP/5252/C/78/993-5/G4 and

Date A/77/10571/G4

- 6 SEP 1978

Mr, Mrs and Miss Barnard
Field Farm
Green Lane
Markyate
Herts

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND 36 AND SCHEDULE 9
APPEALS BY MR J BARNARD, MRS K BARNARD AND MISS D C BARNARD
LAND AT FIELD FARM, GREEN LANE, MARKYATE
APPLICATION NO. 4/0499/77

1. I refer to the appeals, which I have been appointed to determine, against an enforcement notice served by the Dacorum District Council and against a refusal of planning permission by that Council, concerning the above mentioned land. I held an inquiry into the appeals on Thursday 27 July 1978.
2.
 - a. The date of the notice is 10 February 1978.
 - b. The breach of planning control alleged in the notice is, after 31 December 1963, the making of a material change in the use of land shown edged red on the plan attached to the notice to use for the purpose of a site for a residential caravan (mobile home) without the grant of permission required in that behalf under Part III of the Town and Country Planning Act 1971.
 - c. The requirements of the notice are to discontinue the use of the said land for the purpose of a site for a residential caravan (mobile home).
 - d. The period for compliance with the notice is 6 calendar months.
 - e. The appeal was made on ground 88(1)(a) but at the inquiry ground 88(1)(g) was added.
3. The development for which planning permission was refused is Siting of mobile home.
4. The evidence was not taken on oath.
5. The site is to the south-east of the mainly built up part of Markyate, on the opposite side of the A5, beside a narrow lane which rises away to the north-east. There are a few houses here and there on land beside the lane but otherwise there is grass and farmland. The site is about 0.8 acre in extent and contains buildings in various materials, some of them accommodating animals, mainly horses. The caravan the subject of the notice is near the lane and measures about 40 ft long by 10 ft wide.
6. At the inquiry it was said that you moved to the site in April 1977 from a caravan site about $4\frac{1}{2}$ miles away. The appeal site belonged to Miss Barnard, daughter of Mr and Mrs Barnard, all 3 of you appellants in this matter. There and on land rented on a verbal monthly tenancy at "Greenfield" and other rented land at Pepperstock,

Miss Barnard bred horses. She had 2 licensed stallions and 10 horses and 2 foals in all. The "know how" was provided by Mr Barnard. No overall profit had yet been made but nevertheless this was an agricultural use. Mr Barnard was a lorry driver during the day and he did security guard work 2 or 3 nights a week. Mrs Barnard had an evening job from 6.00 pm to 9.00 pm. It was claimed that you had to live on the site to look after the animals. Mr Barnard was born and bred on a farm and had once run a pig farm near Harpenden for about 6 years. He would like to run an intensive calf unit on the site. There was room for about 400, each in its individual container. The horse breeding could go on at the same time. This was the only plot on Green Lane devoted to agriculture.

7. The caravan belonged to Mr Barnard. It could be moved to another position on the site, for example midway along the north-east side. It was regarded as a temporary measure. A double mobile home or, better still, a permanent bungalow would be preferred. Additional fencing or natural screening could be provided if required.

8. The stationing of the caravan was not harmful to anybody. "Greenfield" was sold recently for £42,500 and Mrs Wilson, the purchaser, spoke on your behalf. There had been a caravan there for a long time until about 7 years ago. "Zelldene" too was sold recently. There was a caravan there as well for about 3 years. A lot more agricultural building could be done on the site without need for planning permission, whether it harmed local amenities or not. The submitted grounds of appeal were repeated.

9. You had never tried for a house in Markyate but in December 1977 had put your names down for a house there on the council's waiting list. However their housing officer told you that all he could provide was hostel accommodation. Six months for complying with the enforcement notice was too short. No suitable alternative accommodation could be found in that time.

10. For the Council it was said that the site was in an area in which they were required to exercise control over development as though it were approved green belt. It was proposed for inclusion in the Metropolitan Green Belt. There was a presumption against development but it might be approved if essential for agriculture. The site was seen from a large part of Markyate. It was noted that permission for a caravan was only a first stage in the proposals for living accommodation on the site.

11. A number of applications, dating from 1974, had been made for planning permission for a dwelling on the site. They were all refused on green belt policy grounds and absence of sufficient agricultural justification. Little residential development had been approved in the area since the extension of green belt control after 1955. The only new dwelling was "Ashtons", allowed in 1970 as a replacement for a dwelling pre-dating planning control. "Zelldene" was approved in 1949 and "Greenfield" in 1952 - both to be for smallholdings. The only other dwellings were built before planning control began. Only one permission to station a caravan had been granted and that was for one year only at the site of "Zelldene" while the house was being built.

12. The present use of the appeal site could not be regarded as agriculture as defined in the Act and having regard to the decision in Belmont Farm and MHLG (1962). The appeal site was not a viable agricultural holding within the terms of Circular 24/73. Mere expressions of intention were insufficient to justify an exception being made to green belt policy. In an appeal decision concerning land to the east of the appeal site, 15 hectares was considered not to provide a viable agricultural unit. The previous owner of the appeal site worked it as a piggery for 40 years, living at Flamstead. Even were an agricultural need to have been established it had not been shown why it was necessary, rather than merely convenient, to live on the site rather than in Markyate. There could be no doubt but that the stationing

of the caravan on the site was harmful to the visual amenities and character of the locality and it would make no difference if it was moved to some other part of the site. The period of 6 months was not an unreasonably short time for compliance with the enforcement notice.

13. Mr W J Terry, district councillor for the ward, said that the council were building houses at Markyate which they considered would be sufficient to clear the waiting list there by January 1979.

14. Having considered all the representations and inspected the site and its surroundings I am satisfied that the determining issue in both cases is whether there are sufficient grounds to override a presumption against granting the permission sought. I see no reason to question the inclusion of the site within an area of proposed green belt pending consideration of the green belt question as a whole. There is insufficient existing agricultural need to justify permission being given for a dwelling on the site, be it a caravan or otherwise, and no firm evidence of there being likely to be a viable farming enterprise in the near future. Moreover I am satisfied that the stationing of a caravan on the site does harm the visual amenity and character of the locality and it does not seem to me that any repositioning or screening would do anything to remove the fundamental objection to it. Accordingly the appeals on ground 88(1)(a) against the enforcement notice and the appeal against refusal of planning permission must fail.

15. There was no appeal against the enforcement notice on ground 88(1)(f) and I do not consider the requirements of the notice to be excessive. As to the appeals on ground 88(1)(g) I believe the period of 6 months for compliance with the notice to be reasonable and so the appeals on this ground also must fail.

16. I have considered all the other matters which have been raised but do not find them to be of sufficient weight to affect my decisions.

FORMAL DECISIONS

17. In exercise of the powers transferred to me I hereby dismiss the appeals against the enforcement notice, uphold the notice and refuse to grant planning permission on the application deemed to have been made under section 88(7) of the 1971 Act. I also dismiss the appeal against refusal of planning permission.

RIGHT OF APPEAL AGAINST THE DECISIONS

18. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against the decisions to the High Court are enclosed for those concerned.

I am

Your obedient Servant



A B SALMON, CEng FICE FRTPi
Inspector

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