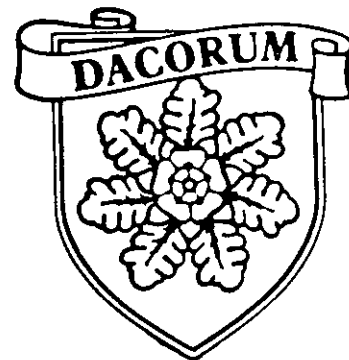


TOWN AND COUNTRY PLANNING ACT 1990
DACORUM BOROUGH COUNCIL



Application Ref No. 4/0603/91

Mr & Mrs W J Kimberley
Gade Water Nurseries
Water End, Hemel Hempstead
Herts

Faulkners
49 High Street
Kings Langley
Herts
WD4 9HU

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

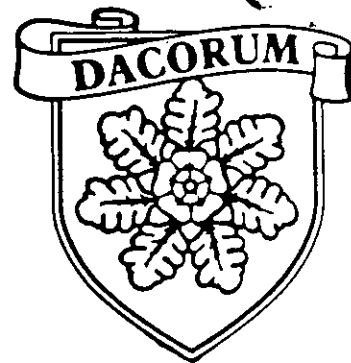
Gade Water Nurseries, Water End,
BUNGALOW (OUTLINE)

Your application for *outline planning permission* dated 02.05.1991 and received on 07.05.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 13.06.1991

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/0603/91

Date of Decision: 13.06.1991

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. Paragraph 6 of Appeal decision T/APP/A1910/C/85/956/P6 relating to the mobile home was specific in restricting its occupation and due to this and the history of provision of accommodation associated with Gade Water Nurseries it would be inappropriate to grant planning permission for the erection of a permanent dwelling house at the site.



The Planning Inspectorate

C/667/AM/P

An Executive Agency in the Department of the Environment and the Welsh Office

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Houlton Street
Bristol BS2 9DJ

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Fax No 0272-218769
GTN 1374

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL							
Ref.					Ack		
Faulkners	DOP	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
49 High Street							
KINGS LANGLEY							
Hertfordshire							
WD4 9HU							
8 MAY 1992						Your Ref: 7/12404	
						Our Ref: T/APP/A1910/A/91/188471/P8	
Comments						Date: 01 MAY 1992	

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR AND MRS W J KIMBERLEY
APPLICATION NO: 4/0603/91

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This is against the decision of the Dacorum Borough Council to refuse outline planning permission for the construction of a 1200 sq ft bungalow on land at Gade Water Nurseries, Water End, Hemel Hempstead, Herts. I conducted a hearing into the appeal on 10 March 1992.
2. The appeal site is part of a holding extending to some 2.6 ha currently used as a trout farm but also containing some disused watercress beds and, at its northern end, a residential caravan occupied by your clients. The holding lies on the south west side of the River Gade, within the Metropolitan Green Belt to the north of Hemel Hempstead. Although the area is primarily of a rural character, there is a small cluster of dwellings on this side of the river and extending part way along Potten End Hill to the north west of the holding. There are also a public house and some business premises alongside the Leighton Buzzard Road on the opposite side of the river, together with a cluster of buildings, mainly dwellings, to the south of the holding. Access to the holding is obtained off Potten End Hill, a classified highway, via a long private trackway which is also in part a public footpath.
3. The application is in outline form and you confirmed at the Hearing, on behalf of your client, that the proposed dwelling would be in the same position as the existing caravan, and with the same domestic curtilage. With the agreement of the Council you amended the site plan accordingly. All matters other than the siting and the means of access, which would also remain as existing, are reserved for future consideration.

4. From the matters discussed at the Hearing, from the written representations and from my inspection of the site and its surroundings, I consider that the principal issue in this case is the effect of the proposed dwelling on the character and appearance of the area, having regard to its location within the Metropolitan Green Belt and the policies applying thereto.

5. Planning policies in the approved Hertfordshire County Structure Plan and in the emerging Dacorum Local Plan broadly conform with national guidance, there being within the Green Belts, in addition to the general policies controlling development in the countryside, a presumption against inappropriate development. The Local Plan states that dwellings for agricultural workers will only be permitted in the Green Belt in exceptional circumstances and sets out criteria against which such proposals are to be judged. Further policies encourage a high standard of design in all new developments, and a recent amendment to the emerging Local Plan places the appeal site within a Landscape Conservation Area where special consideration will be given to the effect of development on the landscape and on relevant nature conservation interests.

6. The Council accepts that your client's business is a viable agricultural one and does not dispute that there is a need for accommodation on the spot. It considers however that the existing caravan is sufficient to meet this need until such time as one of the permanent dwellings in the vicinity becomes available. Two of these nearby dwellings were associated with the holding before your clients purchased it in 1984. The original farmhouse was White House, situated on the north west side of the site entrance. This dwelling pre-dated agricultural occupancy controls and was sold away from the holding prior to planning permission being granted in 1973 for Gatherly, a recent dwelling which is subject to the normal agricultural occupancy condition, on the south west side of the site entrance. Gatherly was, nevertheless, retained by the former owner of the holding who continues to live there, in compliance with the condition, in his retirement.

7. Your client's present caravan was allowed on appeal following the service of an enforcement notice, the Inspector having concluded that, in the circumstances, it met the accommodation needs of the holding in the most practicable way. In recognition of the possibility that at some future date suitable permanent accommodation may become available, he imposed a more restrictive condition than the normal agricultural occupancy condition, limiting its occupancy to the person directly responsible for running the fish farm. Moreover, an application for the removal of the agricultural occupancy condition on Gatherly was dismissed on appeal in 1987 essentially because there remained a need for accommodation in connection with your client's holding.

8. Although the proposed dwelling is based on an accepted agricultural need, it is not in itself required for the

purpose of agriculture. The site is well screened from general view, including from the nearby footpath and, having regard to the dwellings and other buildings nearby, it would not be obtrusive in the countryside. Nevertheless, this is not by itself a good argument for permission; it could be repeated too often. Indeed, the planning history of the holding confirms my view that very strict restraint must be maintained on further residential development here if the essentially open character of the Green Belt and the attractive landscape qualities of the area are to be safeguarded for the future. The permission for the caravan is not a temporary one, and it may be that the external appearance of the proposed dwelling would be better, but the Council rightly points out that the essential feature of the existing caravan is that it is moveable, whereas the proposed dwelling would not be. This caravan meets the need for a full-time presence to maintain the supervision and security of the holding and the construction of a permanent dwelling here, which would inevitably reinforce the domesticity of the appeal site and consolidate its residential appearance, would in my judgement conflict with the prevailing planning policies and be both inappropriate in the Green Belt, and harmful to the character and appearance of the area.

9. I accept that your clients have operated their business from the site for some 8 years and are now expecting their first child. However, following another recent appeal, I see that your clients have permission to replace their existing caravan with a larger one, having the same floor area as the dwelling subject of this appeal. Moreover, during my site inspection I observed that, in addition to the dwellings originally associated with the holding, there are several others closeby of varied size and type. With modern surveillance equipment not much different from that already in use on the holding, one of these may provide a suitable alternative residential base should they become available in the future. I am aware that the cost of any of these existing dwellings is considerably greater than that of building a modest new dwelling on your client's own land, and well beyond what your client can at present afford. Nevertheless, the existing business is a specialist one which, because your client is licensed to extract water from the aquifer, supplies not only fully grown trout to wholesalers and retailers, but is also able to support a hatchery enabling young trout to be sold to other fish farms in the locality. At the time of my inspection the business was operating well below its full capacity, while the extensive watercress beds which formerly were the mainstay of the holding were unused and neglected. Your clients' financial circumstances may well change in the future and I am not convinced therefore that there are any very special circumstances which would, in this particular case, justify an exception to Green Belt policy.

10. I have considered all other matters raised in the representations, including those raised by the occupier of the White House, but find none sufficient to outweigh my conclusions.

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

I am Gentlemen
Your obedient Servant

D Lavender

D LAVENDER MRTPI
Inspector

RECEIVED
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER