

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To Mr. P. J. Brown,
12 Puller Road,
HEMEL HEMPSTEAD,
Herts.

Mr. L. Allen,
14 Hyde Lane,
BOVINGDON,
Herts.

Mobile Home and Toilet Block

at Brown Springs Farm, Potten End, Nr. Berkhamsted.

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 13th June, 1977, and received with sufficient particulars on 16th June, 1977, 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 "without notation" on the County Development Plan where there is a presumption against further development unless it is essential in connection with agricultural or other special purposes - no justification has been proven in this case to warrant a departure from this principle.

Dated 28th 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 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.

C/22/5.6



Department of the Environment

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Mr L Allen
14 Hyde Lane
BOVINGDON
Herts
HP3 OEG

Your reference

Our reference

T/APP/5252/A/78/01435/G5

Date

29 JUN 1978

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR P J BROWN
LOCAL PLANNING AUTHORITY APPLICATION NO: 4/0646/77

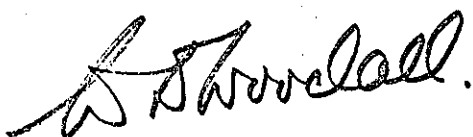
1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the stationing of a mobile home and the erection of a toilet block on land known as Brown Springs Farm, Potten End near Berkhamsted. I held a local inquiry into the appeal on 1 June 1978.
2. From my inspection of the site together with its surroundings, and the representations made, I am of the opinion that a decision in this case turns on whether the proposed development would cause material harm to the character and appearance of the area where special concern is felt for the need to prevent urban sprawl and for the protection of the countryside and, if so, whether a positive need has been established on agricultural grounds sufficient to outweigh these objections.
3. I noted that your client, who had retired from his car breakers business, had purchased the appeal site which comprised about 26 acres of meadow and woodland in 1976. I understood that this land was formerly known as Rose Cottage Farm but that your client's purchase did not include the original farmhouse and other land which had been severed from the remainder of this very small farm.
4. I observed that your client had erected a large barn and range of corrugated iron buildings from used materials, together with a new brick building, close to the western boundary of the site and that it was to the south of these buildings that it was proposed to station the mobile home and erect the toilet block. I observed that your client's recently erected buildings occupied a prominent position in the attractive landscape when viewed from the houses lying between 100 and 150 yds to the south and from the public footpath which ran immediately to the east thereof. At the time of my visit your client's buildings and land seemed to be predominantly used by a variety of ponies and donkeys and a variety of traps and pony carts.
5. I consider the proposed mobile home and toilet block would constitute an undesirable intrusion into open and attractive countryside which forms part of the Chiltern Area of Outstanding Natural Beauty. Moreover I find no reason to question the inclusion of your client's land in an area to which green belt policies are applied pending a decision on the green belt as a whole. I find no reason to disagree with the council's policy of preserving the countryside from sporadic residential development by confining such development to existing towns and villages.

6. I have insufficient evidence before me to confirm that a calf rearing project on the site will be started on a scale that would be viable and would need the full time presence of the occupant of the proposed mobile home on the site or indeed the erection of the proposed separate toilet block. While I have sympathy with your client's vandalism problem I consider that neither these problems nor any agricultural grounds for the proposed development are sufficient to outweigh the compelling planning objections to which I have referred.

7. I have considered all other matters raised at the inquiry but am of the opinion that they are not of sufficient strength to outweigh the considerations that have led to my decision.

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

I am Sir
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'W D Woodall'.

W D WOODALL FRICS FRTP
Inspector

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- " 2 - Letter sent out by council notifying local residents and others of local inquiry.
- " 3 - Bundle of 3 letters from local residents supporting council's refusal of application.
- " 4 - Letter from Mr and Mrs D E Meredith supporting appellant.
- " 5 - Bundle of 3 letters from local residents submitted in June/July 1977 objecting to proposed development.
- " 6 - Letter from Nettleden with Potten End Parish Council commenting on application.

PLANS

- Plan A - Plan to scale 1/2500 accompanying application.
- " B - Plan to scale 1/4 in to 1 ft and to scale 1/500 accompanying application.
- " C - Plan to scale 1/2500 showing appeal site and surrounding land uses.

APPEARANCES

FOR THE APPELLANT

Mr L Allen

FOR THE PLANNING AUTHORITY

Mr H Brown

He called:

Mr R A Hill BA MRTPI

- Solicitor of the Dacorum District Council.
- Chief Planner of the Dacorum District Council.

INTERESTED PERSONS

Mr A E Meredith

Mr R Gurney

- 14 The Back, Potten End, Berkhamsted, Herts.
- 9 The Back, Potten End, Berkhamsted, Herts.