

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

.....

To T. A. Jones, Esq.,
The Conifers,
Long Lane,
BOVINGDON,
Herts.

Messrs. Faulkners,
49 High Street,
KINGS LANGLEY,
Herts.

..... Construction of a Barn

.....

at "The Conifers", Holbrook, Long Lane, Bovington.

.....

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 4th May, 1979, and received with sufficient particulars on 14th May, 1979, 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 without notation on the County Development Plan and in an area referred to in the submitted County Structure Plan Written Statement within which there is a presumption against further development unless it is essential for agricultural or other special local needs - it is not considered that adequate justification has been provided in this instance to warrant departure from this principle.
2. The proposed development would adversely affect the rural character of the area.

Dated 21st day of June, 19 79.

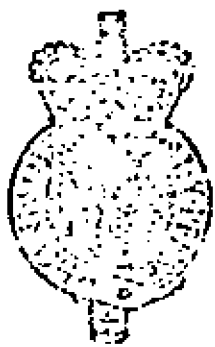
Signed..... 

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.

D/18/3.12



Department of the Environment

Room 1421

Tollgate House Houlton Street Bristol BS2 8DJ

Telex 449321

Direct line 0272-218 950

Switchboard 0272-218911

Messrs Pulver & Symondson
Solicitors
Castle Beams
Castle Street
AYLESBURY
Bucks HP20 2RE

Your reference

Our reference

T/APP/5252/A/79/0349/05

Date

28 DEC 1979

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR T A JONES
APPLICATION NO: 4/0651/79

1. I refer to your client's appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the construction of a brick and slated barn on land at The Conifers, Long Lane, Bovingdon. I held a local inquiry into the appeal on Thursday 29 November 1979.
2. I have noted the arguments put forward as to whether or not the appeal proposal is permitted development under Schedule 1 Class C of the General Development Order 1977. Although no formal application was made under Section 53, the provisions of this section of the Act specifically relate (inter alia) to proposals for the carrying out of operations on land. However, in this case the development was commenced and the barn is partially built; consequently, I consider that the appeal proposal should be determined on its merits. This would be in keeping with the request made on behalf of the appellant that, notwithstanding the submissions that the proposal is permitted development, the granting of an express consent would have the effect of quashing the enforcement notice served on your client in December 1976 requiring him to demolish the existing structure, against which he failed to appeal.
3. Although the application is in outline and only an extract from the Ordnance Survey sheet (scale 1/2500) accompanied it, which did not show the siting of the barn, the application form indicates that permission was granted under the Building Regulations in September 1978, prior to this planning application being determined by the District Council; the application form also indicates that the materials to be used are in accordance with the approved plans, which you submit are the plans approved under the Building Regulations. It was contended on behalf of your client that the plan approved under the Building Regulations forms part of the appeal proposal and that although it is an outline application, permission is sought for the siting, design and external appearance of the building. I accept this argument and propose in principle to consider the application on this basis.
4. From my inspection of the site and its surroundings and the representations made, I am of the opinion that as the site lies within the green belt in the approved Structure Plan and the draft District Plan, the main issues in this case are whether or not (i) this agricultural building is appropriate in this area and (ii) if so, whether it adversely affects the character of the area.

5. Your client's holding has an area of 3.77 acres, the boundaries of which are indicated on the extract from the Ordnance Survey sheet which formed part of the application. The main activity is the rearing of pigs; poultry and young calves are also reared on the land. Your client's parents live in a bungalow close to the northern boundary of the site. There is a range of mainly dilapidated storage buildings and pig sties to the east and rear of the bungalow, together with a field used for open grazing by these animals. To the south of the bungalow is a small paddock in which there are 3 young calves, south of which is your client's mobile home, originally granted a temporary planning permission on appeal in 1974 and now enjoying the benefit of a further temporary consent granted by the District Council until 1983. The barn is situated to the south of this mobile home; the walls are complete and the roof joists are covered by polythene sheeting. It is built of red brick but it is not strictly in accordance with the plans approved under the Building Regulations. It is used for the storage of implements, straw and animal feeds and to house young calves. It measures about 30 ft x 36 ft with double doors on the west elevation, facing Long Lane.

6. I am satisfied that the building is required in connection with your client's farming of his smallholding and that it was used for that purpose when I inspected the site. The fact that your client uses some of his farm implements in connection with landscaping work which he undertakes from time to time to supplement his farm income, when work on his holding permits, does not, in my opinion, constitute a separate use at the present time. Consequently, I consider that this agricultural building is in principle appropriate in this rural area and is in accordance with the policy in the approved Structure Plan that permission will not be given, except in very special circumstances, for the construction of new buildings for purposes other than (inter alia) agriculture.

7. The barn is sited about 85 ft back from the road in a predominantly rural area in which there is a substantial amount of sporadic residential development; in particular there is a dwelling about 150 ft to the south of the barn. The barn is reasonably well screened from view by the fence and laurel hedge and the double gates close to the road frontage. That part which has been built is constructed to a much higher standard than many agricultural buildings and the plans approved under the Building Regulations indicate that it will be a visually acceptable structure. Furthermore, several local residents have written in support of the proposal and the Parish Council gave evidence at the inquiry in support of your client. Consequently I conclude that planning permission should be granted. However, as the elevations are slightly different to the submitted plans, I consider that the design and external appearance should be reserved matters.

8. I have taken into account all the other matters at the inquiry, including the evidence regarding the advice which your client obtained from officers of the District Council and the sequence of events relating to the handling of the application which is the subject of this appeal and the previous application, together with the enforcement notice, but I do not find that these considerations affect my conclusions on the planning issues involved.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the construction of a brick and slated barn on land at The Conifers, Long Lane, Bovingdon in accordance with the terms of the application (No 4/0651/79) dated 4 May 1979 and the plans submitted therewith, subject to the following conditions:-

1.
 - a. approval of the details of the design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority;
 - b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:-
 - a. 5 years from the date of this letter; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.
10. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

R E Wilson
R E WILSON BA DipTP MRTPI
Inspector