

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To Mr H Hodgekiss  
College Farm  
Lower Icknield Way  
Marsworth

Eric Lann & Co. Ltd.  
1 Vicarage Road  
Marsworth  
Tring

One Dwelling (Outline)
.....
.....
at Land off Lukes Lane, Gubblecote
.....
.....

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 undated and received with sufficient particulars on 19.5.87 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 a rural area beyond the 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.
2. The proposed siting of the dwelling would constitute an unduly prominent and isolated intrusion into an attractive and unspoilt stretch of open countryside.

Dated 30th day of July 19 87

Signed.....

SEE NOTES OVERLEAF

P/D. 15

Chief Planning Officer

#### NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.



# Department of the Environment and Department of Transport

Common Services

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268223 RB  
FileCHIEF EXECUTIVE  
OFFICER

7 OCT 1988

 File no. ....  
 Refer to *4010/10* .....  
 Cleared .....

Eric Lann and Co Ltd  
 1 Vicarage Road  
 Marsworth  
 TRING  
 Herts  
 HP23 4LW

Your reference

MW/87/11

Our reference

PLANNING DEPARTMENT  
DACORUM DISTRICT COUNCIL  
T/APP/A1910/A/87/07988/P4

Ref. Date			Ack.	
C.P.O.	D.P.	D.	Admin.	File
		24 OCT 88		

Received

-7 OCT 1988

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY MR H HODGEKISS  
 APPLICATION NO: 4/0734/87

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of a new farmhouse for adjacent land on land off Lukes Lane, Gubblecote, Tring. I have considered the written representations made by you, by the council, by the Ministry of Agriculture Fisheries and Food, by Hertfordshire County Council, by Aylesbury Vale District Council, by Tring Rural Parish Council and by the British Pipeline Agency Ltd. I inspected the site on 25 January 1988.
- The appeal site is on the north side of Lukes Lane to the east of its junction with Tring Road, Long Marston, and immediately to the west of the administrative boundary of Dacorum Borough Council with Aylesbury Vale District Council and between Hertfordshire and Buckinghamshire County Councils. The site consists of an open grass field separated from the highway by a post and wire fence and in part by a hawthorn hedge. There is one isolated hawthorn bush in the field which is generally at a higher level than the highway as is most of the land on the north side of the road. Opposite the appeal site is a detached bungalow finished in render with a hipped tile roof, with, at the time of the site visit, a double garage with a gable ended pitched roof being constructed forward of the bungalow's front main wall. Its garden is surrounded on all sides by open agricultural land. To the east of open land on the east side of the appeal site are 3 pairs of semi-detached houses astride the administrative boundary. To the north is visible evidence of the site's former use as a military airfield including blast walls and brick buildings on open land to the north of the former perimeter chain-link fence supported on concrete posts. These remains are continued to the west of the appeal site in the form of a further brick building and a former rifle range wall. To the west of these is an egg packing station of relatively recent construction adjoined by older brick built terraced cottages. The main area of the former airfield buildings is located to the east of the 3 pairs of houses east of the appeal site. Most of this mixture of brick buildings and nissen huts are in a variety of commercial uses. Those on the northern fringe of this range of structures are now occupied as the appellant's farm buildings to which grain storage silos have been added in recent times.
- From my inspection of the site and its surroundings and of the written representations I consider that the main issues in this appeal are whether there is agricultural need for a dwelling on this area of land sufficient to outweigh the presumption against residential development in the countryside contained in the

Dacorum District Plan, and, if so, whether the construction of a house on this particular site would adversely affect the rural character of the locality.

4. I have considered the relationship of the proposal to the existing farmhouse at College Farm and the nature and distance of the other land in the holding in the light of the Annex to Circular 24/73. The advice given there is that "agricultural need" in the context of an application such as this means the need of the farming enterprise itself rather than that of the owner or occupier of the farm.

5. Most of the holding currently farmed by the appellant consists of tenanted land on both sides of the main railway line out of Euston, situated between Tring and Cheddington stations. The area available for farming has shrunk in size as it has been required by its owners for the quarrying of chalk for cement manufacture. As the Ministry of Agriculture Fisheries and Food points out, further reductions in this area may not take place as planning permission for additional quarrying of chalk may not be granted. However, in view of the degree of uncertainty regarding the future of most of the land within the current enterprise the appellant has purchased freehold a block of 53 ha (113 acres), including the appeal site, and has concentrated his investment in plant and buildings on this land.

6. The present farmhouse at College Farm is situated on the eastern edge of the village of Marsworth, some 4 km (2.5 miles) from the farm buildings and within the area of tenanted land. The road between the two is narrow, runs through the centre of the village, and includes a hump back bridge over a canal. Bearing in mind the general restriction of such a road the journey time is likely to be of the order of 10 minutes. If the agricultural enterprise were purely of an arable nature I should not be convinced that there is a justifiable need for a new dwelling on this site. I do not consider that convenience of access to the main farm buildings where 24 hour supervision would not be necessary would warrant a departure from Policy 2 of the Dacorum District Plan which restricts planning permission in rural areas beyond the Metropolitan Green Belt except in very special circumstances.

7. However there is a significant element of livestock farming within the holding with the keeping of breeding ewes and followers and the fattening of cattle. The MAFF assessment states that the farm is now a viable unit and will probably remain so even if the anticipated reduction in land farmed occurs. It also states that it would normally be necessary for one person to be resident in the vicinity of the farm buildings in the interests of security and farm management. I consider that as the main farming operation is now based on the freehold land a case has been made out for a dwelling within this parcel, particularly for the constant supervision of the livestock. However, in view of the general presumption against new housing in the countryside contained in the adopted district plan it will be necessary to restrict the occupation of any such dwelling to a person employed full-time in agriculture in the locality.

8. The question then arises as to whether the siting within this block is acceptable, given the predominantly rural character of the area. The Council argues that by locating the house some 1 km (0.6 miles) from the farm buildings there is insufficient improvement over the current situation to warrant the erection of a house on the appeal site. To put the house closer to the farm buildings would improve their supervision as well as making the dwelling less conspicuous in its surroundings. I agree that this is normally the case but the present access to the farm buildings is, for historical reasons, through other former airfield buildings outside the appellant's control. The opportunity exists to create a farm track from the appeal site to the farm buildings over land entirely in the farmer's ownership. The degree of their supervision that can be achieved from a farmhouse 1 km distant over an access entirely on freehold land is to my mind considerably greater than what can be carried on from one 4 km away along narrow country lanes and via an access which appears to be based merely on informal arrangements. I do not consider the latter to be a satisfactory state of affairs if this were also to be the principal approach to a dwelling.

9. The Council is also concerned that by siting the house on the north side of Lukes Lane this will adversely affect the attractive and unspoilt rural character of the area. I am of the opinion that the land on the south side of Lukes Lane is deserving of this description. It is more difficult to make a similar case for its north side. There are 3 pairs of semi detached houses of relatively recent construction, and no apparent connection with their rural setting, to the east. More importantly to my mind this side of Lukes Lane is dominated by the egg packing station to the west and by the former airfield buildings and structures. While their existence should not be an excuse for further sporadic development in the countryside with no special justification, I do not consider that a sympathetically designed dwelling for which an agricultural need has been made out would necessarily appear out of place. It would, moreover, be located opposite an existing bungalow to which prominent additions are being made. Although, like other sites on the north side of the road, the proposal would be above the level of the highway, its impact could be softened by the retention of as much of the existing hawthorn hedge as possible and by additional planting at the front of the site.

10. I have considered the conditions suggested by the highway authority which raises no objections in principle to the proposal. Those conditions relating to verge re-instatement, construction of the access, visibility splays and location of the garage, can to my mind be determined as part of the submission of details. However in view of the narrowness of the road I agree that facilities should be provided to enable vehicles to be turned within site and a condition is imposed to that effect. The question of the siting of the dwelling in relation to the oil pipeline that crosses the site can also be resolved with the submission of reserved matters.

11. In reaching my conclusions on this appeal I have taken careful account of all the matters raised in the written representations but do not consider these to be of sufficient weight to alter my decision.

12. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for the erection of a new farmhouse for adjacent land on land off Lukes Lane, Gubblecote, Tring, in accordance with the terms of the application No 4/0734/87 dated 19 May 1987 and the plans submitted therewith, subject to the following conditions:

1.
  - a. approval of the details of the siting, design and external appearance of the buildings and the means of access thereto (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;
3. no development shall take place until there has been submitted to and approved by the local planning authority, a scheme of landscaping, which shall include indications of all trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development;

4. all planting, seeding, or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting seasons with others of similar size and species, unless the local planning authority gives written consent to any variation;

5. the dwelling shall not be occupied until space has been laid out within the site for vehicles to turn so that they may enter and leave the site in forward gear in accordance with details to be submitted to, and approved by, the local planning authority;

6. the occupation of the dwelling shall be limited to a person solely or mainly employed or last employed, in the administrative areas of the Dacorum Borough Council or the Aylesbury Vale District Council, in agriculture as defined in section 290 of the Town and Country Planning Act 1971 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

13. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and 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.

14. 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

*G. Currie*

I W CURRIE BA MPhil ARICS MRTPI  
Inspector