



## Department of the Environment

Room 1411

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

PLANNING DEPARTMENT  
DACORUM DISTRICT COUNCIL

Ref.				Ack.	
C.P.O.	D.P.	I.C.	S.C.	Admin.	File
Received <i>9/5</i> 13 MAY 1982					
Direct line 0272 216918 Switchboard 0272 218811 GPN 2074					

Messrs Pickworth and Company  
Solicitors  
37 Marlowes  
HEMEL HEMPSTEAD  
Herts  
HP1 1LQ

Your reference

DSF/JT/S

Our reference

T/APP/5252/A/81/16354/G5

Date

81/16432/G5

11 MAY 1982

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEALS BY MR J P SHARP  
APPLICATION NOS:- 4/0753/81 AND 4/1149/81

1. I refer to your client's appeals, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for the erection of a chalet bungalow and detached garage (A) on land to the east of Little Heath Lane and (B) on land to the west of Sharpes Lane, both sites being within the boundaries of Cress Farm, Bourne End, Hemel Hempstead, Herts. I have considered all the written representations made by you and by the council. I inspected the site on Wednesday, 24 March 1982.

2. From my inspection of the appeal site and the surrounding area, it is my opinion that the decision in both these cases rests primarily upon whether or not adequate evidence of need as related to agriculture has been established to meet the requirements of the restrictive planning policies in respect of this rural area which forms part of the extension of the Metropolitan Green Belt in the approved County Structure Plan.

3. Cress Farm comprises some 18 acres of low-lying farmland to the west of Bourne End village, bounded on the north side by the River Bulbourne and the Grand Union Canal, by the A41 trunk road to the south and by 2 minor county roads, Little Heath Lane to the west and Sharpes Lane to the east. The farmhouse and buildings are situate in the south-east corner, close to the junction of the A41 and Sharpes Lane. For the past 150 years or so this land has been owned and worked by your client's family as a watercress farm.

4. This farming activity has dwindled in recent years and is now secondary to the farming of trout, an enterprise established in 1975 by your client and his partner, Mr Lovesey, and which now occupies about  $\frac{2}{3}$  of the former watercress area, some 60,000 trout having been sold in 1981 - about 60% at the farm gate or locally - representing a turnover of £40,000. In addition, the hatchery work has expanded to such an extent since 1979 that the farm is now self-sufficient in fry. It is anticipated that by 1983 some 80,000 trout will be sold, together with other fish, and this will necessitate further staffing of the farm shop 7 days a week to meet the demand for fresh fish. As Mr Lovesey intends to retire shortly, his interests will revert to your client's son who requires separate family accommodation within the farmstead in order to continue and further expand the business, and to ensure adequate supervision and protection of this intensive form of farming which, together with the hatchery, serves not only to save on costs, but also cuts down the risk of disease.

5. I note that your client seeks to justify a further dwelling within the farmstead on grounds relating to the necessity of constant supervision not only to protect farm stock from poachers, but also to ensure that changes in water level or mechanical failures, particularly in connection with the hatchery, are detected, and that this regular surveillance should preferably be carried out within the farmstead by a younger person. You claim that without such resident supervision, the further expansion of the business, including increased employment for ancillary staff, would inevitably be curtailed.

6. In refusing these applications, the council have emphasised the restrictive policies which apply in such an exposed rural situation, and question the necessity for such constant supervision. They express doubt, in view of the accessibility of the farm, as to whether it would be possible to meet the problem of security merely by establishing another household on the holding.

7. From my inspection of the farm, I am of the opinion that, apart from the growing of cress, the development of a fish farm is the only practical use of such water-logged land, and being so close to the conurbation of Hemel Hempstead, I consider it is ideally situated for such an enterprise. However, lying in the valley bottom, the farm is not only exposed to the view of traffic passing along the main A41 road to the west, and from the minor roads to the east and west, but is particularly vulnerable on the east side from the towpath of the Grand Union Canal. I am therefore in no doubt that an additional farm dwelling would serve not only as a deterrent against poachers, but would also enable the vital monitoring of the stock to be adequately ensured.

8. On the question of siting of the proposed dwelling, I consider that the site at the north-west corner of the farm and adjoining Little Heath Lane (Reference APP/5252/A/81/16354) is not only isolated from any adjacent buildings, but is particularly exposed to view across the valley and as such would create an intrusive element in the open countryside. On the other hand, however, the appeal site on the south-east side (Reference APP/5252/A/81/16432), being so close to the established farm buildings and the farmhouse, would, in my opinion, blend quite satisfactorily within the landscape and would, moreover, be in close proximity to the hatchery and machinery vital to control such an enterprise.

9. I have taken account of all the other matters raised in the written representations, but do not find them to be of sufficient importance to outweigh the considerations that have led me to these conclusions.

10. For the above reasons, and in exercise of powers transferred to me, I hereby ~~refuse~~ your client's appeal (Reference T/APP/5252/A/81/16354/G5) but allow his appeal (Reference T/APP/5252/A/81/16432/G5) and grant planning permission for the erection of a chalet bungalow and detached garage on land to the west of Sharpes Lane at Cress Farm, Bourne End, Hemel Hempstead, Herts in accordance with the terms of the application (No 4/1149/81) dated 7 September 1981 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, 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. the development relates solely to the erection of one chalet bungalow and garage which shall be occupied by an agricultural worker engaged in full-time employment at Cress Farm, Bourne End, Herts;

- c. 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.

11. 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.

12. The developer's attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

13. 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



ARTHUR R JOHNSON RIBA DipArch CTP(M)  
Inspector

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

Other

Ref. No. ....

THE DISTRICT COUNCIL OF ..... DACORUM .....

IN THE COUNTY OF HERTFORD .....

To J. P. Sharp, Esq.,  
Cress Farm,  
Sharpes Lane,  
Bourne End,  
HEMEL HEMPSTEAD,  
Herts.

Messrs. Wm. F. Johnson & Partners,  
39A High Street,  
HEMEL HEMPSTEAD,  
Herts.

..... Chalet Bungalow .....

at ..... on land off Little Heath Lane, Bourne End, Hemel .....

..... Hempstead. ....

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 ..... 19th May, 1981 ..... and received with sufficient particulars on ..... 29th May, 1981 ..... 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 within the Metropolitan Green Belt on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension 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.

Dated ..... 9th ..... day of ..... July, ..... 1981. ....

Signed .....

Designation Chief Planning Officer.

## 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.