

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mr G.H.Gaywood
4 Loxley Road
Northchurch

Mr P.Sadler
Ivy Todd
Northchurch Common
Berkhamsted

..... Conversion and extension of
..... stable to form bungalow
at Two Ponds Lane
..... off Hamberlins Lane, Northchurch, 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 20.4.85 and received with sufficient particulars on 22.6.85 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 the Metropolitan Green Belt on the Dacorum District Plan where permission will only be given for development 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 Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty where the policies of the local planning authority seek to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of these policies.

Dated 15th day of August 1985....

Signed.....



Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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.

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Common Services

Telex 449321

Switchboard 0272-218811

CHIEF EXECUTIVE
OFFICER

12 JUN 1986

File her.
 Refer to CPO 12/6
 Closing

Mr P Sadler
'Ivy Todd'
Northchurch Common
BERKHAMSTEAD
Herts

Your reference

PLANNING DEPARTMENT				
Our reference SACORUM DISTRICT COUNCIL				
T/APP/A1910/A/86/44641/B4				
Date			Ack.	
C.P.O.	10 JUN 86	B.C.	Admin.	File
Received		12 JUN 1986		
CHIEF OF POLICE				

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR G H GAYWOOD
APPLICATION NO:- 4/G765/85

1. 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 planning permission for the conversion of an existing stable block to form a bungalow at Two Ponds Lane, off Hamberlins Lane, Northchurch, Berkhamstead. I have considered the written representations made by you, by the council and by the Northchurch Parish Council. I inspected the site on 7 May 1986.
2. From my inspection of the site and surroundings and the representations made, it appears to me that the principal factors to be taken into account in determining this appeal are whether, given the location of the site within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty, there is an agricultural need for a house here sufficiently strong for it to be treated as an exception to the presumption against residential development in the Green Belt and in this attractive rural area.
3. The appeal site comprises a small group of agricultural buildings which lie well away from other development in a quite prominent position on the south side of the Bulbourne Valley. It is reached by way of Hamberlins Lane and Two Ponds Lane from the A41 road. From the appeal site the buildings associated with Hamberlins House which is now a hotel, and Hamberlins Farm are clearly visible. Your client owns some 0.67 ha of land, about 0.6 ha of which is pasture and the remainder comprises the yard and buildings. He expects also to be able to acquire a further limited area of land between his holding and buildings associated with Hamberlins House.
4. Your client keeps pigs and hens on his land and he proposes to build up his herd of breeding sows. He needs to be in attendance at farrowing time and also to ensure security for there have been serious thefts from his property. You say that your client appreciates that the scope on a 2 acre site is limited and proposes to continue his current occupation, leaving the general running of the unit to his wife with his assistance during evenings and weekends. He aims to develop the unit and increase stock so as to afford full-time occupation on the site. A representative of MAFF visited the site in July 1985. He noted that your client planned to retire shortly and sought to supplement his pension by income from the unit. He concluded, however, that the present agricultural business was not sufficient to provide a livelihood for a person working full-time on the holding; that the proposed breeding herd was not a commercial unit and that from an agricultural point of view there was no justification for providing a permanent dwelling on the land.

5. I appreciate that your client has occupied this holding for many years and I can understand his desire to convert one of the buildings to a bungalow and develop the unit. However, the unit is located in the Metropolitan Green Belt, in the Chilterns Area of Outstanding Natural Beauty and in a very attractive rural location where development is not normally permitted except in exceptional circumstances. In Circular 24/73 the Secretary of State noted that applicants normally have to establish the need for a dwelling on a farm before planning permission is given and that the viability of the farming enterprise and its labour requirements would be material in assessing whether there is agricultural need for a farmhouse or cottage on the farm. The need was that of the farming enterprise rather than of the owner of the farm and that viability could for practical purposes be defined as offering a competent farmer the prospect of a sufficient livelihood. It was added that applications for the erection of farm dwellings in Green Belts would need particularly careful scrutiny. Since then, in Circular 14/85, the Secretaries of State have reiterated that there is always a presumption in favour of allowing applications for development, having regard to all material considerations, unless that development would cause demonstrable harm to interests of acknowledged importance but they also said that the Government was firmly committed to protecting Green Belts. I am of the view that a dwelling here on this quite prominent site would damage the interests of the Green Belt and of this attractive countryside and, in the absence of clear agricultural need, to permit it would conflict with Green Belt policies. Bearing in mind the advice from the MAFF, the small size of the holding and what you say about your client's intentions, no sufficient agricultural need for a dwelling here has been established. I have, therefore, decided that your client's appeal should not be allowed.

54

6. I have borne in mind all the other matters raised in the written representations including the other permissions that have been given in the vicinity to which you draw attention, and the problems of security but none of these factors appear to me to carry sufficient weight to affect my decision.

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

I am Sir
Your obedient Servant

W.C. Knox

W C KNOX BA
Inspector