

TOWN & COUNTRY <sup>AC</sup> PLANNING ACTS, 1971 and 1972

## DACORUM BOROUGH COUNCIL

To Mr and Mrs W J Kimberley  
Gade Water Nurseries  
Water End  
Hemel Hempstead  
Herts

Faulkners  
49 High Street  
Kings Langley  
Herts  
WD4 9HU

Stationing of Caravan

at Gade Water Nurseries, Potten End Hill,  
Water End, Herts.

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 12.4.89 and received with sufficient particulars on 27.4.89 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 lies in the Green Belt where there is a general presumption against unnecessary development. In the view of the local planning authority, there is no justification on agricultural grounds for the stationing of a larger mobile home on this site.

Dated 19th day of October 19 89

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.



**Planning Inspectorate  
Department of the Environment**

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**PLANNING DEPARTMENT  
DACORUM BOROUGH COUNCIL**

Your reference

Ref.

Ack.

Our reference

C.P.O.

T.C.P.M.

D.P.

D.C.

B.C.

Admin.

File

Date

T/APP/A1910/A/89/145376/P8

11 JUN 1990

-8 JUN 90

Received

Comments

Gentlemen

~~TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9~~  
APPEAL BY: MR AND MRS W J KIMBERLEY  
APPLICATION NO: 4/0768/89

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 change of use for the siting of 1,200 sq ft mobile home to replace existing 528 sq ft existing unit at Gade Water Nurseries, Water End, Hemel Hempstead, Herts. I have considered the written representations made by you and by the Council and also those made by the Great Gaddesden Parish Council and interested persons. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 8 May 1990.

2. The Borough Council contend that your proposal conflicts with the general presumption against development in the Green Belt, since they feel it is an unnecessary development and that the stationing of a larger caravan on the site cannot be justified on agricultural grounds. You dispute this and maintain that the principle of stationing a caravan on this site has been established by the past appeal decision (T/APP/A1910/C/88/956/P6) and that the larger caravan is needed to meet your clients wish to start a family.

3. From the written representations that have been submitted, it is clear that there has been agreement in the past that a dwelling close to the appeal site is needed to supervise and manage the fish farm. There has, however, been disagreement between your clients and the Council about how this need should be met, whether by the purchase by the applicant of a nearby house, or by the stationing of a caravan on the site. To my mind this matter has already been satisfactorily resolved by the previous Inspector's decision that has been referred to in paragraph 2 of this letter. This decision granted planning permission for the stationing of a caravan on the site, subject to a stringent condition about occupancy.

4. With this background in mind, and from my consideration of the written representations and my inspection of the site and its surroundings, I have reached the conclusion that the main issue in this appeal is whether the present proposal differs so materially from the extant planning permission as to warrant a refusal of planning permission, bearing in mind its location in the approved Green Belt.

5. There is no dispute between the Council and yourselves that there is an agricultural need for the caravan currently stationed on the site and that this need justifies its location within the Green Belt. Even so, the Council are concerned about the increased size of the caravan now being proposed. The planning permission that was granted by the previous Inspector, however, placed no restriction on the

size of the caravan to be located on the site and your clients' proposal is not so large as to exceed the definition of a caravan set out in the Caravan Sites Act 1968. In these circumstances, I conclude that your clients' proposal is acceptable within the Green Belt and that the increased size of the caravan is unlikely to cause any greater visual impact upon the surrounding area, since the site is well screened from public view.

6. I have considered the Council's suggestions for conditions that might be imposed should I be minded to allow the appeal and I note that you find them acceptable. Condition 1 represents standard practice; I regard Condition 2 as necessary to limit the occupation of the caravan to the person directly responsible for running the fish farm; and Condition 3 is necessary to ensure that not more than one caravan is stationed on the site.

7. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the stationing of 1,200 sq ft mobile home to replace existing 528 sq ft existing unit at Gade Water Nurseries, Water End, Hemel Hempstead, Herts in accordance with the terms of the application No 4/0768/89 dated 12 April 1989 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;
2. when the caravan ceases to be occupied by the person directly responsible for the operation of the fish farm at Gade Water Nurseries, the use hereby permitted shall cease and the caravan shall be removed from the site;
3. the existing caravan which is the subject of planning permission granted on appeal under reference T/APP/A1910/C/85/956/P6 shall be removed from the site within 28 days of the caravan hereby permitted being stationed on the site.

8. 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 consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

9. 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



A M GRIFFIN DipTP MRTPI  
Inspector

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Signed

Chief Planning Officer

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