



Department of the Environment  
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Messrs R A Roberts  
Solicitors  
26 Hosier Lane  
LONDON EC1

Your reference

Our reference

T/APP/5252/A/75/2791/G7

Date

- 7 JUN 1976

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY DR G FARKAS  
APPLICATION NO. 4/0770/74: 923/74D

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of agricultural buildings at Field 490, Hollybush Farm, Flamstead, Herts. I held a local inquiry into the appeal on Wednesday 7 April 1976 and subsequently inspected the site and its surroundings.
2. The appeal site is the middle one of 3-fields in the appellant's ownership totalling nearly 16 acres, situated within open country about  $\frac{1}{3}$  mile north-west of the village centre of Flamstead.
3. The site is surrounded by hedgerows which include mature trees; it is roughly rectangular in shape with its main axis running north-west to south-east. The highest part of the field is at its southern corner; the level of the ground slopes generally down from there to north and east, but dips substantially from about halfway along its length. It is proposed to carry out the development of the land within this dip in level of the field.
4. The adjoining fields within the holding contain, to the east, an open fronted shed situated close to the north corner of the appeal site; and to the west a larger open fronted barn close to the south-west boundary of the appeal site and to the 'dipped' area.
5. For the appellant, it is contended that, although the present application for planning permission is in outline only and if granted will be followed by further details of the development, he wants to build 4 substantial buildings for pig-rearing and breeding together with a small office, with a total floor area of some 10,500 sq ft. In addition he intends to use the 2 nearby sheds for quarantine and animal sickness cases, and to cultivate the remainder of the 16 acres of land for crops which will be used to help feed the stock. He does not intend to build a house on the site or elsewhere on the holding, because he believes that he will be able to buy a house within the village which will be sufficiently near to the site to enable the necessary supervision to be carried out from there.
6. The appellant is a qualified veterinary surgeon who has had long experience practising with animals including pigs. Although he has not previously managed a pig-rearing business, he is a member of the Pig Veterinary Association, a

specialist in animal diseases and husbandry and in veterinary preventive medicine. He is therefore uniquely qualified for this undertaking. There is a need to increase the home-reared pig stock for national consumption which the undertaking would help to meet.

7. The evidence given on behalf of the Ministry of Agriculture, Fisheries and Food indicates that the appellant's proposals if implemented would form the basis for a viable pig-rearing business likely to require the services of 2 full time workers. The 16 acre holding, if farmed extensively, is not large enough for a viable agricultural unit. It is unusual for an application to be submitted for an intensive animal-rearing and breeding unit which does not include a dwelling for an agricultural worker; but that is not to say that this unit could not be supervised effectively from a house in the nearby village, together with the small office on the site which could be used in cases of emergency when close and continuous supervision is required.

8. The appellant has had additional costs imposed on him by the postponement of the inquiry from 11 November 1975, resulting from the Council's statement being posted too late for an adequate case to be formulated; his appeal should be upheld and he should be reimbursed for the additional costs.

9. For the local planning authority, concern was expressed over the fragmentation of a large agricultural unit into several smaller ones, including the appellant's holding. Although the proposed development would be located within a dip in the field which is surrounded by mature hedgerows and therefore would not be visible generally for more than a short distance away, 2 public footpaths run close by from which the buildings would be only too easily visible. The Council are particularly concerned to preserve the rural character of the surroundings, and have pursuant to article 4 of the General Development Order 1973, directed that planning permission be obtained for the carrying out on agricultural land of building or engineering operations required for the agricultural use of the land immediately adjoining the appellant's holding to the north and west. They have doubts about the capacity and design of local roads to accept the increase in heavy vehicular traffic which would be necessary to service the business and also about the capacity of the neighbouring farms to take and absorb the amount of manure, which would have to be disposed of. In the light of the evidence at the inquiry, it is conceded that the agricultural buildings alone would not be so damaging to the rural surroundings as to be unacceptable. It is also recognised that the application does not include a dwelling for an agricultural worker; but in the submission of the local planning authority, the two are virtually inseparable - if planning permission is granted for the proposed development and subsequently an application for a dwelling to be built on the holding is submitted, there would be a strong presumption in its favour, which the Council would then be unable to resist. Equally strongly, however, they are convinced that building a dwelling on the holding would be very detrimental to the rural character of the locality; and in these somewhat unusual circumstances they feel they had no alternative but to refuse the application submitted.

10. The local planning authority do not accept that they should bear the costs of postponement of the appeal; both the appeal and the application for costs should be dismissed.

11. From my inspection of the site and in the light of the evidence at the inquiry, I have come to the conclusion that the determining issue in this case is whether or not the development proposals contained in the application would result in an unacceptable loss to the rural character of the locality.

12. In my opinion, the agricultural buildings which would be sited in the dip in level of the field would not easily be visible from the village, or from the

local roads. The amount of traffic which would be generated is unlikely to exceed 4 lorries per week on average - an increase in volume which is not sufficient to disrupt the traffic on the roads to any appreciable extent. Whereas the development would be clearly visible to local residents or ramblers using the footpaths, those appear to be little worn. Even if they are much more frequently used during the summer months, the visual impact of the development would not be so great as to result in an unacceptable loss of character to these rural surroundings. I have therefore decided to uphold your client's appeal.

13. However, I recognise the local planning authority's apprehensions that permission granted for the pig-rearing business might be followed by an application to build a dwelling on the holding, which would then be harder to resist. Despite the long experience and good intentions of the appellant, and his clear statement that he can supervise the running of the business from a house within the confines of the village, circumstances may change and he may then want to build a house here. Moreover, the business is not yet established and for reasons beyond the control of the appellant could fail. In the light of these considerations I am of the opinion that the planning permission granted by this letter should be limited initially to a period of 5 years only, which would enable both the appellant and the local planning authority to re-assess the situation at the end of that time.

14. I have taken into account all the other matters arising from evidence given at the inquiry whether on behalf of the appellant or of the local planning authority; but I do not consider they are sufficient to outweigh those considerations which have led to my decision.

15. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of agricultural buildings on field 490 Hollybush Farm, Flamstead in accordance with the terms of the application (No. 4/0770/74) dated 4 July 1974 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. 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. The buildings hereby permitted shall be removed and the land reinstated to its former condition on or before 30 June 1981.

16. 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.

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

Other 923/74D  
Ref. No. ....THE DISTRICT COUNCIL OF ..... **DACORUM** .....

IN THE COUNTY OF HERTFORD .....

To Dr. G. Parkas,  
11, Clifton Hill,  
London NW 8Agent: Michael Crush,  
71 Wendover Court,  
Chiltern Street,  
London W1M 1HH.

<p>Erection of agricultural buildings</p> <p>at Field 490, Hollybush Farm, Flamstead.</p>
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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 July, 1974** and received with sufficient particulars on **1st August, 1974** and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

**In the opinion of the Local Planning Authority the siting of the development and the creation of additional farm units is considered to be unacceptable and would result in the loss of the rural character of the locality.**

Dated **twenty-fourth** day of **October** 19 **74**Signed .....  
**Director of Technical**  
Designation **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.