

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. G. B. Foskett,
Stoney Lane Nursery,
Tower Hill,
CHIPPERFIELD,
Herts.

Messrs. Faulkners,
49 High Street,
KINGS LANGLEY,
Herts.

..... One Dwelling

at Stoney Lane Nursery, Tower Hill, Chipperfield.

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 5th July, 1977, and received with sufficient particulars on 18th July, 1977, 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 where there is a presumption against further development unless it is essential in connection with agricultural or other special purposes - insufficient justification has been proven in this case to warrant a departure from this principle.
- (2) The proposed development would consolidate an existing ribbon of development in Stoney Lane to the detriment of the visual and general amenities of the area.

Dated 25th day of August 19 77..

Signed..... 

Designation ~~Director of Technical 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.



Department of the Environment

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Hertfordshire
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Your reference

FRF/HEF/7813

Our reference

T/APP/5252/A/77/9829/G6

Date

13 APR 1978

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR G B FOSKETT
LOCAL AUTHORITY REFERENCE NO:- T415/BEH/4/0781/77

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for the erection of an agricultural dwelling on land at Stoney Lane Nursery, Tower Hill, Chipperfield, Hertfordshire. I held a local inquiry into the appeal on 14 March 1978.
2. From my inspection of the site and its surroundings and from the representations made, I am of the opinion that the determining issue is whether there is an agricultural need of sufficient weight to overcome the planning objections to a normal dwelling on the appeal site. The appellant accepts that a normal dwelling should not be allowed on the appeal site, where it would extend a ribbon of residential development into the Approved Green Belt.
3. The 3.5 acre horticultural holding has been worked by the appellant since he took it over from his father in 1960. He now employs his 2 sons full-time, both of whom are unmarried and live with him in Solong, a bungalow permitted in outline in 1955 and built in 1968. Solong is situated within the eastern corner of the holding, although outside the appeal site as drawn on the application plan. The appellant's widowed mother continues to live in a house fronting the highway Tower Hill and backing onto the appeal site.
4. Although a letter accompanying the application stated that the agricultural dwelling under appeal was required for a manager to share the burden of work with the appellant, you explained at the inquiry that the manager would be the appellant's elder son who is about to get married.
5. On the question of agricultural need, I accept the opinion of the Ministry of Agriculture and Fisheries' witness, who stated that there was a requirement for 2 men to work on the holding where the output and the area of glass is expanding, with a third man to retail the produce elsewhere. He considered that one of the workers should be accommodated near to the holding to supervise the heating and ventilating systems and deal with emergencies outside normal working hours. He considered this arrangement (with casual female labour as present employed) should allow some expansion of the business.

6. Two members of the family who work full-time on the holding are already living on site and will continue to do so - the appellant and his younger unmarried son, aged nearly 17. The agricultural requirement is therefore, in my view, already very adequately covered.

7. I fully appreciate that it would be more convenient for the appellant's elder son to continue living on site after he marries, but I consider that, if he is unable to find suitable accommodation very close to the holding in Tower Hill, he could quite well live in Chipperfield within a mile of the site, or in the large and growing village of Bovington within 2 miles of the site. From there I believe he could, with only a little inconvenience, do whatever is necessary to assist his father in work outside normal working hours.

8. I appreciate that house prices are higher in this commuting area than they are in more purely rural parts of the country, and that it would probably cost the appellant more to buy a house off the holding than to build on his own land. However, I do not believe that the difference in price would be so great as to affect the viability of the holding, whose turnover has been expanding very satisfactorily in recent years with the increased investment in glasshouses.

9. In summary, I cannot accept the agricultural need, the personal considerations and the financial argument as overcoming the planning objections.

10. The argument was advanced that permission should be granted in this case because of the similarity between this case and one at Cockayne near Rickmansworth, where permission was granted for an agricultural dwelling on appeal T/APP/5258/A/75/8117/G7. The types of holdings and the method of employment and skills of members of the 2 families concerned are different in the 2 cases. I do not regard the Cockayne case as the basis on which the present case should be judged. I appreciate that Solong was built on a planning permission which did not include an agricultural condition, but if it were to be sold off separately from the holding (which the appellant says he does not intend) I should regard paragraph 11 of Development Control Policy Note No. 4 as applicable, ie. justification for the severance and need for another house would have to be explained. I regard this Development Control Policy Note as applicable to this case, and not the comment which the Inspector expressed at the end of paragraph 6 in his decision letter on the Cockayne case.

11. I have considered the other matters raised, but they are outweighed by the considerations which have led to my decision.

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

I am Gentlemen

Your obedient Servant

G V Hayward
G V HAYWARD BSc FICE FIMechE
Inspector