

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To E. W. Nightall
Silver Birches
Little Gaddesden
Berkhamsted
Herts

..... Retention of bungalow without complying
..... with agricultural occupancy condition (Condition
..... 2-W/792/63)
at Silver Birches, Little Gaddesden

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
..... 18th June 1984 and received with sufficient particulars on
..... 18th June 1984 and shown on the plan(s) accompanying such
application.

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

- (1) This property lies in a rural area beyond the Metropolitan Green Belt in the Approved County Structure Plan and the Adopted Dacorum District Plan wherein permission will only be given for development which is for agriculture or other essential purposes appropriate to a rural area. The removal of the agricultural occupancy condition would be contrary to the terms of this policy.
- (2) It has not been shown to the satisfaction of the local planning authority that the long-term needs for dwellings for agricultural workers in the locality no longer warrant the reservation of this property for that purpose.

Dated 16th day of August 1984

Signed.....

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, 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.
- (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 and Department of Transport

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CHIEF EXECUTIVE
OFFICERPLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

0272-218 861

Refer to

Ack.

18/6

0272-218811

C.P.O.

D.P.

Charged

A.C....

Admin.

File

Your reference

Received

SJB/MC

Commence

T/APP/A1910/A/84/022694/P7

Date

17 JUN 85

13 JUN 1985

S J Brooker Esq DipT&CP MRTPI
Flatt & Mead
131 The Parade
WATFORD
WD1 1NA

1) MB
2) JCB
3) J. J. J. J. J.
4) TEAM 2

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR E W NIGHTALL
APPLICATION NO:- 4/0814/84

- As you know I have been appointed by the Secretary of State for the Environment to determine the above appeal against the decision of the Dacorum District Council to refuse planning permission for the retention of a dwelling without compliance with the condition restricting occupancy of the dwelling to agricultural or forestry workers, imposed in planning permission W/792/65 dated 8 June 1965, at 'Silver Birches', Little Gaddesden, Hertfordshire.
- Since the application relates to the retention of a building without complying with a condition subject to which the planning permission for the building was granted I propose to treat this as an application under the provisions of Section 32 of the Town and Country Planning Act 1971.
- From my inspection of the site on 7 May 1985 and my consideration of the written representations made by you and by the district council I consider the main issue in this case is whether the long term need for dwellings for agricultural or forestry workers in the general locality of Little Gaddesden is such that the condition in dispute is no longer justified.
- The settlements of Little Gaddesden and Ringshall are dispersed and your client's house is one of several houses in substantial grounds to the south of the road which links them. Although there is a swimming pool on one side with a house under construction, and the house your client formerly lived in on the other side, the appeal site is in a location where the council's countryside policy restriction on new development continues to apply.
- I note that there is agreement that there is unlikely to be any future agricultural use of the appeal site, which ceased some 13 years ago, and since the land which made up the holding has been sold off, partly as the adjoining house and garden and partly as a field which I understand is used for keeping horses I consider there is no justification for retaining the condition in terms of need arising from the former holding.
- The council are, however, rightly concerned to ensure that agricultural accommodation should be retained in the area. I share their view that it is most desirable, particularly in this area where there are strong policy restraints on new development, to meet the justifiable need for agricultural workers' accommodation wherever possible through the stock of existing accommodation rather than by new development.

7. I agree that it is not uncommon for farmers to require to live on the land they farm and although I do not know if there were any exceptional circumstances involved I note that this appears to have been the case in the 2 local examples you indicate. However I do not accept that the location of the appeal site, which is not directly bordering agricultural land, renders it unsuitable for occupation by an agricultural worker, or, as in your client's case a retired farmer, since the need for farmworkers' accommodation normally extends beyond that for workers involved, for example, in the care of livestock who would need to be on a particular holding. You have provided evidence that 3 local farmers would not be interested in using 'Silver Birches' for farmworkers' accommodation. It is not clear to what extent that reflects the overall situation in the locality, although I did observe the substantial National Trust estate to the south, to which you refer.

8. I appreciate and understand your client's reasons for not attempting to put his house on the market encumbered by the occupancy condition since he does not wish to move, nor, since he meets the condition is it reasonable that he should be encouraged to do so. However the local market response does provide a useful indication of whether there is a continuing need for such a property in the area. Furthermore, there is no evidence to show the demand over recent years for agricultural dwellings in terms of the number and nature of planning applications received by the council, apart from the 2 cases to which you refer, nor to show the extent to which there may be surplus farm cottages in the area. Both these and the extent to which the council are required to house farmworkers can be valuable indicators of need in the locality.

9. As to longer term trends you refer to the 9.8% fall in hired, full time, male agricultural workers in Hertfordshire between 1980 and 1983, which is some 3% greater than the average for England and Wales. The MAFF figures, to which you also refer, for numbers of farmers and farmworkers in the 3 local parishes show, in total, a static situation between 1976 and 1983. I accept your reservations about the probable level of statistical error in the council's figures which show a 56% increase between 1971 and 1981 in the number of residents in the same area employed in agriculture. You also refer to the trend towards the use of land locally for horse grazing, although you note that the local councils are seeking to resist it.

10. It seems to me that the evidence regarding these longer term trends is not unequivocal and bearing in mind the other indicators I have referred to above I do not consider that the evidence is sufficient for me to be able to conclude that there would be no long term need for agricultural dwellings in the area which your client's house could help to meet.

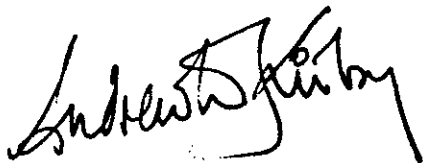
11. I sympathise with your client's desire to put his affairs in order since he and his wife are over seventy, but since I am not satisfied that a sufficiently strong case in planning terms has been established and since they do not at the moment have any desire or need to move I do not consider that their personal circumstances are sufficient to justify making an exception in this case.

12. I have taken into account all other matters raised in the written representations, including your reference to a recent decision by the council to remove an agricultural occupancy condition nearby, the full circumstances of which I am not aware of, but they do not affect my conclusion on the planning considerations leading to my decision.

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

I am Sir

Your obedient Servant

A handwritten signature in dark ink, appearing to read 'Andrew Kirby', written in a cursive style.

A D KIRBY RD MA MSc FRTPI MBIM
Inspector