

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM
 IN THE COUNTY OF HERTFORD

To Mr. D. R. Kingham,
 Stables,
 Old Watling Street,
 FLAMSTEAD,
 Herts.

<p>Caravan</p> <p>at Stables, Old Watling Street, Flamstead.</p>
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Brief
 description
 and location
 of proposed
 development.

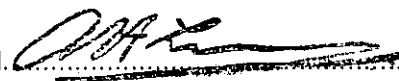
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated and received with sufficient particulars on 10th July, 1978, and shown on the plan(s) accompanying such application..

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

The site is without notation on the County Development Plan and in an area so referred to in the submitted County Structure Plan Written Statement within which there is a presumption against further development unless it is essential for agricultural or other special local needs - insufficient justification has been proven to warrant departure from this principle.

Dated 24th day of August, 1978.

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.

D/62/11.6



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TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
= 3 JUL 1979	
FILE No.	DATE

Your reference

JVHB/CAR

Our reference

T/APP/5252/A/79/1193/G7

Date

27 JUN 1979

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR DAVID KINGHAM
APPLICATION NO: 4/0909/78

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 stationing of a residential caravan on land at The Stables, Old Watling Street, Flamstead, St Albans. I have considered the written representations made by you, by the council and by Flamstead Parish Council. I inspected the site on 4 June 1979.

2. This appeal concerns about 5.63 acres of land situated on the northern side of Old Watling Street just east of the main settlement of Flamstead. The majority of the site appears to be used as paddocks for horses, but there is a collection of buildings grouped together at the southern end. These buildings are constructed in a variety of materials and appear to be used as stables or for the storage of associated materials; one also houses 3 calves. The site is appreciably higher than the highway and has a frontage to it of about 240 ft. This boundary is marked by a high overgrown hedge containing several small trees. There is a vehicular access at the western end which joins Old Watling Street at an acute angle. Adjoining the site is a modern detached bungalow and opposite there is a ribbon of mainly detached dwellings which extends westwards for about 350 yds.

3. The area is predominantly rural and included as one without notation on the approved County Development Plan, wherein existing uses shall remain for the most part undisturbed. These policies are endorsed in the non-statutory review "Hertfordshire 1981" and the submitted structure plan. The site also lies within a proposed extension of the Metropolitan Green Belt. I have considered whether the appeal site has been appropriately included in the proposed green belt, but I find no reason to question its inclusion for the time being, pending a decision on the green belt proposals at a whole. I am therefore of the opinion that the decision in this case rests on the impact that the proposal would have on its surroundings and whether a sufficient reason has been advanced that would warrant overriding the planning objections to additional residential development in the countryside.

4. In my view the visual impact of a caravan would be slight against the background of the existing buildings. However, for the most part they appear to be of temporary construction, even though some have been built with permanent materials. There is therefore no guarantee that they and the screening they afford, would remain for all time. Furthermore, notwithstanding the proximity of other dwellings, the site retains an essentially rural appearance and character and I am of the opinion that the introduction of domestic activity into this scene would be undesirable. While the relative difference in levels between the site and the road and the hedge would partially offset this effect I do not consider it would reduce it to an acceptable degree.

5. Moreover, in my opinion this is an area in which only the most compelling reasons ought to override the general presumption against residential development. That essential to agriculture is one and, on behalf of your client, you argue that the proposal is necessary to enable him to properly care for his livestock and to protect his property against vandalism. However, while I have every sympathy with the problems he may be experiencing in the latter respect, I do not consider the number of animals involved (you claim there are 9 bullock, 3 horses and about 12 chickens, but I only observed 3 calves and 3 horses on my visit) and the hay production on part of the land amounts to a viable holding that would warrant the residence on site of a full time agricultural worker.

6. I have taken into account your representations that there are other residential uses close by. However, I do not regard the sporadic nature and unsatisfactory location of these dwellings to be a supporting factor to your case. I have also carefully considered the various other matters raised, but I am of the opinion that none is of sufficient strength to outweigh the considerations that led me to 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

A. W. Machin

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Inspector