



Department of the Environment

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1) M.R.
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 RETURN TO M.R.
 FOR COMMITTEE

R H Faulkener Esq
 Chartered Surveyors
 49 High Street
 KINGS LANGLEY
 Herts
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1861 1117 41		Received
CHIEF EXECUTIVE		C.P.O.
Admin.	File	Ref.
Ack.		
17 JUL 1981		
DACORUM DISTRICT COUNCIL		

Your reference

Our reference

T/APP/5252/A/81/01983/G5

Date

16 JUL 1981

 COPY SENT TO SECS
 17.7.81

Sir

 Refer to
 Cleared

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MR J PAPWORTH
 APPLICATION NO: 4/0937/80

093355

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 stationing of a residential caravan at FEVERALLS FARM, ROE END LANE, MARKYATE, HERTS. I held a local inquiry into the appeal on 11 June 1981.
2. From my inspection of the site and surroundings and from the representations made, I am of the opinion that the main issue in this case is whether the proposal is unacceptable because there are already 2 dwellings on the farm and therefore there is no need for additional accommodation to be provided on the land.
3. On behalf of your client you argue that the existing farmhouse here is in very poor condition and needs extensive repairs; that although large it is only habitable in about $\frac{1}{4}$ of its rooms and is occupied by the appellant's mother who is 81 years old and is in good health; that the farmhouse should not be occupied by the appellant's son and his wife and also the appellant's mother; that the farm is geared to dairy production and needs 3 full time workers and at least 2 of these should live on the farm; that the caravan is for his son and his wife and expected baby and is needed for a temporary period only, until the appellant's mother leaves the farmhouse for some reason or another; that the appellant could not afford to repair the farmhouse at present; and that he would be prepared to sign a section 52 agreement with the council about the retention of the caravan which is already on the site and occupied by his son and daughter-in-law who also helps on the farm full time; and that the council had received 4 letters supporting the appellant.
4. A witness from the Ministry of Agriculture, Fisheries and Food stated that there is an agricultural need for 3 full time workers on this farm but no need for 2 workers to live on the farm; that there are now 2 dwellings on the farm and no need for a third.
5. In my opinion the present farmhouse could be made habitable - it has no structural defects - and would then be large enough to accommodate the appellant's mother and the appellant's son and his family. I note that at present there is no agricultural need for the son to live on the farm, and that the council would not be satisfied with a section 52 agreement in this case.

6. However, whereas I am not satisfied that sufficient justification exists for the permanent retention of the residential caravan, I nevertheless consider that a reasonable period should be allowed during which time either (a) the farmhouse be repaired sufficient to house the appellant's son or (b) alternative accommodation be found in the locality. In these circumstances therefore I propose to allow this appeal for the retention of the residential caravan but for a period of one year only. I intend to attach a condition to this consent accordingly.

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 a residential caravan at Feveralls Farm, Roe End Lane, Markyate in accordance with the terms of the application No 4/0937/80 dated 9 June 1980, subject to the following condition:-

1. the residential caravan hereby permitted shall be removed and the land reinstated to its former condition on or before a period of 12 months from the date of this decision.

8. I have considered all the other matters raised in the representations but they are of insufficient weight to affect my decision.

I am Sir
Your obedient Servant

S. R. H. King

S R H KING DipTP(Lond) ARIBA MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To J. Papworth, Esq.,
Feveralls Farm,
Roe End Lane,
Markyate,
Herts.

..... Residential caravan

at Feveralls Farm, Roe End Lane,

..... Markyate

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 28th April 1980 and received with sufficient particulars on 9th June 1980 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 within the Chilterns Area of Outstanding Natural Beauty on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979), wherein permission will only be given for the construction of new buildings (or the change of use or extension of existing buildings) for agricultural purposes, small scale facilities for participatory sport and recreation, or other uses appropriate to a rural area. The proposed development is unacceptable in the terms of this policy since there are already two dwellings on the farm and no justification has been put forward to show why it is necessary, in the interests of agriculture, for additional accommodation to be provided on the land.

Dated 31st day of July 19 80

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.