

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr & Mrs J King Brown & Merry
Town Farm 41 High Street
Aldbury Tring
Herts Herts

Conversion of Barn to 4 dwellings and
extensions
at Town Farm, Stock Road
Aldbury, Herts

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 12 July 1984 and received with sufficient particulars on 18 July 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) The site is within the Chilterns Area of Outstanding Natural Beauty and a rural area beyond the Green Belt wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
- (2) The proposals would result in the loss of a working farm from the centre of the village which would have a detrimental effect on its rural character and appearance.
- (3) The proposed alterations and extensions introduce features which are not traditionally found in farm buildings. The proposals would detract from the character and appearance of the buildings which occupy an important position in the Aldbury Conservation Area.
- (4) The increased use of the access which is substandard in width and visibility is likely to give rise to conditions prejudicial to highway safety.

Dated 6th day of September 1984..

Signed



Chief Planning Officer

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Dated 6th day of September 19 84 ..

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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Common Services

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CHIEF EXECUTIVE
OFFICER

29 NOV 1985

 File ref.
 Referred to ... *Cla. 29/11* ...
 Cleared

Messrs Penny & Thorne
Solicitors
175 High Street
BERKHAMSTED
Hertfordshire

1) MB
2) JCB
3) JOANNE
4) TEAM 2

Your reference

PLANNING DEPARTMENT				
Our reference DISTRICT COUNCIL				
Ref.	T/APP/AL910/A/05/028618/P2		Ack.	
Date	28 NOV 1985	B.C.	Admin.	File
C.P.O.				
Received <i>[Signature]</i> 29 NOV 1985				
Comments				

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MR AND MRS J KING
 APPLICATION NO:- 4/0984/84

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the conversion of existing barns and outbuildings to residential use at Town Farm, Stocks Road, Aldbury, Hertfordshire. I held an inquiry into the appeal on 12 November 1985.

2. From my consideration of all the evidence given both at the inquiry and in writing, and from my inspection of the appeal site and its surroundings, I have come to the conclusion that the main issues in this case are:-

1. whether the particular circumstances in this case are such as to justify in principle permitting the proposed development as an exception to the normal provisions of Policies 2 and 4 of the Dacorum District Plan;

2. the effect of the proposed development on the character of the existing buildings, on the setting of the adjacent listed building and on the Aldbury Conservation Area; and,

3. its effect on the safety and free flow of pedestrian and vehicular traffic in Stocks Road.

3. Aldbury lies in a rural area beyond the Green Belt where Policy 2 of the Dacorum District Plan (which became the statutory local plan in January 1984) states that development of any kind will not be permitted, except in very special circumstances, unless it is for the purposes of agriculture or forestry, for leisure purposes appropriate to the area and which cannot reasonably be located within urban areas or for other uses appropriate to a rural area. Your clients do not claim that the proposed residential development falls within any of the stated categories of that policy.

4. With regard to residential development in rural settlements beyond the Green Belt, Policy 4 of the District Plan restricts this to the housing needs of the rural area which are defined as households in stress without a dwelling of their own or living in intolerable conditions, households with needs for specialised types of housing, eg sheltered housing or housing for the disabled, or households required to

move into the area as key workers. Your clients do not contend that the proposed development is intended to provide accommodation for households in any of these categories.

5. I am satisfied that, apart from the modern barn which your clients propose relocating, the existing buildings on the appeal site are no longer suitable as the main, central complex serving your clients' farm. This is confirmed by the letter from the Ministry of Agriculture, Fisheries and Food (Document 5), by your clients' decision to seek planning permission for the erection a new farm complex at New Ground Road - now granted - and by my own observation of the distance between the existing complex and the main acreage of the farm, the awkward access to it from Stocks Road and the physical characteristics of the old buildings.

6. The barn and outbuildings which it is proposed to convert stand within the curtilage of a Grade II listed building - the farmhouse itself - and one of them is physically attached to that building; the barn at the rear of the appeal site is listed Grade III in the local list of buildings of architectural interest; the whole group stands close to the very heart of the Aldbury Conservation Area and makes an important contribution to the character of the village particularly in views from the public footpaths to the east; the intended removal of the modern barn, which presently occupies a large part of the original farmyard and prevents any view of the rear barn from the street, creates the possibility of restoring the yard to its original form and thus positively enhancing the Conservation Area.

7. There are, in my opinion, special circumstances which certainly justify a search for practicable and economically viable means of ensuring the preservation of this group of buildings. However, there are enormous pressures for residential development in rural areas within reasonably easy reach of urban centres and any ill-considered relaxation of the presumption against development in such areas would have unacceptable and far-reaching consequences.

8. ~~For that reason, it is my view that residential use of the appeal buildings can only be permitted if it has been convincingly demonstrated they cannot viably be adapted to an appropriate rural use. And, if residential use is proved to be the only practicable means of ensuring preservation of the buildings, then it seems to me that it must be shown further that there are insurmountable obstacles to their being adapted to meet the housing needs of the rural area, as defined in paragraph 5.7 of the District Plan, before residential development of the type proposed in this case can be considered acceptable.~~

9. I do not find that the case for residential development of the type proposed - that is, development unrelated to local rural needs - has been convincingly demonstrated. Your clients' case rests entirely on the experience and judgement of their professional adviser, which may, I accept, ultimately prove to be sound but I have before me no evidence of alternative schemes thoroughly developed, analysed and shown to be impracticable.

10. My own impression - given the physical characteristics of the appeal buildings, their disposition and condition (which appears structurally sound although requiring extensive repairs) and the substantial area of land at the rear - is that a wide variety of alternative schemes, including specialised agricultural or horticultural use independent of the main business of Town Farm, which might well prove acceptable to the local planning authority merit detailed study.

11. Turning to my second issue, I find that the proposed elevational treatment of the appeal buildings would largely destroy their agricultural character by introducing a pattern of fenestration too obviously domestic in its number, proportions and disposition of openings. The garages projecting into the courtyard and the curved forms of the paved areas proposed seem to me entirely inappropriate, emphasising the domestic character of the proposed development and wasting the opportunity for restoration and enhancement afforded by the removal of the modern barn. The prominent chimneys proposed would be, in my view, another alien feature. In general, therefore, I consider that the proposed conversion would merely make use of the shells of the existing buildings but would seriously harm their character individually and as a group and would thus be detrimental to the setting of the listed building and the Conservation Area.

12. The existing and proposed access to the appeal site, between 2 existing dwellings on the frontage to Stocks Road, is a little more than 4 m wide and is bounded by the gables of these dwellings. There is no pavement along this side of Stocks Road. As a result, drivers emerging from the appeal site have and would have no view of oncoming traffic in Stocks Road until their vehicle had actually entered the carriageway. Similarly, drivers moving south on Stocks Road have and would have no advance warning of any vehicle about to emerge from the appeal site. There is a public parking area directly opposite the access point and it is about 65 m from the junction of Stocks Road and Toms Hill Road.

13. You accept that this access is sub-standard but contend that the traffic likely to be generated by the proposed development would be less hazardous than the farm traffic which presently uses it. The County Council's Traffic Engineer concedes that, because of the car park opposite and the road junction ahead, vehicles approaching and passing the access point are likely to do so with some degree of caution.


14. The proposed development would result in the use of this access by 7 independent households - 3 existing and 4 proposed - and the 4 dwellings proposed would almost certainly be occupied by households owning and using regularly 2 cars each. In my opinion, this would be likely to significantly increase the number of vehicular movements into and out of the appeal site and thus the frequency of hazardous, blind entries on to the carriageway, the risk of obstruction on Stocks Road and the number of dangerous manoeuvres on Stocks Road or in the courtyard which are likely to occur when vehicles wish to enter and leave the site at the same time.

15. Present use of the access is clearly hazardous because of the lack of visibility splays and the right-angled corners at the junction. But the fact that this situation must be tolerated while the long-established agricultural use of the appeal site continues this does not, in my opinion, justify permitting a seriously sub-standard access when a substantial new development is proposed there.

16. I have noted all the other matters raised in evidence both at the inquiry and in writing but do not find that they outweigh the considerations which have led me to these conclusions.

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

I am Gentlemen
Your obedient Servant


W J C REDPATH DipArch RIBA
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr N Banks

- Counsel, instructed by Messrs Penny & Thorne, Solicitors, 175 High Street, Berkhamsted, Herts.

He called:

Mr B Branwhite AMSST

- Planning Consultant.

FOR THE PLANNING AUTHORITY

Ms A M Burton

- Assistant Solicitor, Dacorum Borough Council.

She called:

Mr A E Markham BA(Hons)
MRTPI

- Senior Assistant Planner,
Dacorum Borough Council.

Ms B Crawford DipArch
RegArch MRTPI

- Architect, Design & Conservation
Section, Hertfordshire County Planning
Department.

Mr D Sibley DipTrafficEng

- Senior Engineer, Traffic & Safety
Section, Hertfordshire County
Highways Department.

SECTION 29 PARTIES AND INTERESTED PERSONS

Mr P A Crow

- Chairman, Aldbury Parish Council,
'Cherrycroft', Aldbury, Herts HP23 5RW.

DOCUMENTS

Document 1 - List of persons attending the Inquiry.

Document 2 - Notice of the Inquiry and distribution list.

Document 3 - Letter submitted with application.

Document 4 - Consultation response from the County Surveyor.

Document 5 - Correspondence relating to proposal to site farm buildings at Part OS 0012, Aldbury.

Document 6 - Extract from Hertfordshire County Structure Plan, Alterations No 1, Written Statement.

DOCUMENTS (Continued)

- Document 7 - Extract from Dacorum District Plan, Written Statement.
- Document 8 - Letter from the Chief Planning Officer, Dacorum, to Messrs Brown & Merry offering guidance in relation to the proposed conversion of a barn at Grange Farm, Puttenham.
- Document 9 - Planning History of Town Farm, Aldbury.
- Document 10 - Extract from Statutory List of Buildings of Special Architectural and Historic Interest.
- Document 11 - Extract from Local List of Buildings within the Aldbury Conservation Area.
- Document 12 - Bundle of 3 appeal decision letters.

PLANS

- Plan A - Application Plan, 1:10,000, showing land in the ownership of, and tenanted by, Town Farm, Aldbury.
- Plan B - Application Plan, 1:1250, showing the existing buildings on and adjacent to the appeal site.
- Plan C - Application Plan, unscaled but 1:2500, showing boundaries of appeal site.
- Plan D - Application Plan, 1:250, proposed block plan.
- Plan E - Application Plan, $\frac{1}{8}$ in to 1 ft, proposed plans.
- Plan F - Application Plan, $\frac{1}{8}$ in to 1 ft, proposed elevations.
- Plan G - Plan, 1:250, proposed access to Stocks Road.
- Plan H - Plan, 1:2500, boundaries of Aldbury Conservation Area.
- Plan I - Plan, 1:1250, showing proposed machinery shed, relocated covered yard and milking parlour for Town Farm, at New Ground Road, Aldbury.
- Plan J - Bundle of 4 plans, unscaled but 1:2500, comparing appeal site with sites where planning permission for the conversion of barns has been permitted at Wilstone, Puttenham and Long Marston.

PHOTOGRAPHS

- Photos 1-8 - Views of the existing buildings on and adjacent to the appeal site from viewpoints indicated.