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20 AUG 1987

 File No.
 Refers to *CL0 20/8*
 Cleared

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.		Our reference			
		T/APP/1910/A/87/62132/P3			
C.P.O.	D.P.	D.C.	Date	Admin.	File
		<i>12</i>			18 AUG 87
Received			20 AUG 1987		
Comments					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MRS M B FAULKNER
 APPLICATION NO:- 4/1018/86

- 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 an extension to agricultural worker's accommodation at Shire Lane Farm, Cholesbury. I have considered the written representations made by you and by the council and also an appraisal by the Ministry of Agriculture, Fisheries and Food. I inspected the site on 25 June 1987.
- The appeal site forms part of an agricultural building on a farm of some 21 ha, mostly laid down to pasture. The farm is adjacent to Shire Lane to the north of Cholesbury. Part of the agricultural building has been previously converted into agricultural worker's accommodation comprising 2 rooms, and the present proposal is to enlarge this accommodation by constructing an extension at right angles to the main building. The site lies in the Green Belt. From my inspection of the site and surroundings and consideration of the representations made I am of the opinion that the decision on this appeal turns on whether there is a strong enough agricultural justification for the proposed extension to outweigh the presumption against residential development in the Green Belt.
- An appraisal provided by the Ministry of Agriculture, Fisheries and Food listed the buildings on the farm and stated that, apart from 7 horses not forming part of the agricultural undertaking, the intention was to purchase batches of 40 beef animals twice a year, rearing them from 3 to 18 months. It was intended to employ a stockman full time when the cattle were bought. The appellant's husband worked part-time on the farm and otherwise outside agriculture, and they had a 4-bedroom farmhouse. The only other accommodation was the flat the subject of the appeal. On the proposed throughput of cattle the undertaking would not be viable, and there was no need for a full time worker resident on the farm.
- The council stated that the site lay in the Green Belt where there was a strong presumption against development apart from certain appropriate uses. It also lay in the Chilterns Area of Outstanding Natural Beauty, where new building should be kept to a minimum. Taking into account the appraisal by the Ministry of Agriculture, Fisheries and Food, the council considered that there was no need for a full-time worker to be resident on the site. Even if such a need could be established, it should be met either within existing or permitted buildings, or by conversion of existing buildings rather than by new construction. The council reported that Tring Town Council supported the proposal.
- On behalf of the appellant you acknowledged that she did not rely on the holding as a means of livelihood, but contended that it was essential to have a

full time worker who would be responsible not only for tending the cattle, but also for maintenance of the farm buildings, trimming the hedges, hay making and works of conservation such as restoration of the ancient pond. Without such a person the character of the farm would have to change. The existing accommodation had enjoyed temporary permissions since 1978 until refusal of renewal as well as for extension in 1987. In your view the appellant's aims were consistent with planning policy in the area, and also with Government policy for conservation and less intensive farming. You claimed that it was necessary for someone to be available at all hours for security and in the event of emergency or illness to the livestock.

6. In order for this appeal to succeed it must be shown that undertaking is viable and that it is necessary for an agricultural worker to live on the farm in accommodation which is not now available or which cannot be provided by conversion of an existing building. You have not contested the view of the Ministry of Agriculture, Fisheries and Food that the undertaking is not viable as an adequate source of income. You do however claim that a full-time worker is essential on the farm, and you have referred to various matters not dealt with specifically in the appraisal. If an agricultural worker were to be accommodated on the farm in the future, I would accept that the existing flat which had temporary permission until recently is inadequate by any reasonable standard. But you have not shown that an enlargement of the accommodation could not be achieved by further conversion of an existing building. An obvious candidate for consideration would be the adjoining stabling presently used for horses which, it is stated, do not form part of the agricultural undertaking.

7. In my view you have not discharged the onus of proof that there is a strong enough agricultural case to outweigh the strong presumption against residential development in the Green Belt and the appeal must accordingly fail. I have taken account of all views which have been expressed in the representations but find nothing to change this conclusion.

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

I am Gentlemen
Your obedient Servant



N HAMILTON
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mrs M B Faulkner
Shire Lane Farm
Shire Lane
Cholesbury

Payne Cullen Partnership
101 High Street
Tring

Extension to agricultural worker's accommodation

at Shire Lane Farm, Shire Lane, Cholesbury

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 16 July 1986 and received with sufficient particulars on 16 July 1986 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 Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural 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.

Dated 24 day of September 1986...

Signed

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.