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CHIEF EXECUTIVE
OFFICER

7 AUG 1987

File No.
Ref No. *CPO 7/8*
CheckedDepartment of the Environment and
Department of Transport

Common Services

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(112)

Ref				Ack. Your reference	
Eng)	BDS	(Lond)			
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
					Our reference
Received - 7 AUG 1987				Date - 6 AUG 87	
Comments					

Sir

A. C. Kelly

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/1157/86

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum Borough Council to refuse planning permission for an agricultural dwelling at Grove Farm, Hastoe, near Tring, Herts. I have considered the written representations made by you and by the Council. I inspected the site on 6 July 1987.
2. The appeal site is situated within the approved Metropolitan Green Belt where the restrictive development policies of the approved Hertfordshire County Structure Plan and adopted Dacorum District Plan apply. These policies restrict new development to that required for agricultural or allied purposes. These restrictive policies are reinforced particularly so far as design and siting of new buildings are concerned by the fact that the appeal site is also situated within the Chilterns Area of Outstanding Natural Beauty. Before new dwellings can be permitted the supported enterprise must be viable and there must be a need expressed in agricultural terms for a dwelling. Particularly having regard to the advice contained in Circular 14/85 - Development and Employment, these policies represent interests of acknowledged importance.
3. From my inspection of the site and its surroundings and having read the representations I have concluded that the principal issues are whether the enterprise for which the dwelling is required is viable and whether the dwelling is necessary.
4. Grove Farm is situated immediately south of the A41(M) motorway where it crosses Hastoe Lane and lies to the west of Hastoe Lane and north-west of Hastoe Hill. The land rises steeply from the north. You own about 27 ha of which 1 ha represents the site of the farm buildings located in the extreme south corner and a small area of woodland. The remainder of the land is under a crop of wheat. The farm buildings comprise a concrete portal framed building with lean-to used as a grain/implement store and general store. There is a separate steel nissen type machinery store. The appeal site is situated in a prominent position above Hastoe Lane about 800 m north-east of the farm buildings. From the representations I have noted your wish to change your farming activities from cereals to stock because of the over supply of cereals and the need to rotate the crop. You intend to establish a bull beef unit with an annual throughput of about 450 head which would require suitable buildings for the animals and accommodation for a resident stockman.

5. An appraisal of your farming activities and proposal has been made by the Senior Surveyor (Land and Water Services) at the Hertford office of the Ministry of Agriculture, Fisheries and Food. In his letter of 13 October 1986 he stated that the farm was not viable at that time but that establishment of a beef unit should become viable in the future. In the absence of a running establishment, it is clearly obvious to me that your proposal fails the test of viability.

6. Your cereal growing activities have continued over a period of 10 years without the need for living accommodation on or near the farm. I appreciate your reasons for deciding upon a change in farming practice and I accept the assessment by the representative of MAFF that establishment of a beef unit as you propose will require accommodation for a manager. I understand also from both the representations and the graffiti I observed on the farm buildings the problems which could arise from vandalism and theft if stock is housed on the land without on site security. However, your plans appear to me from the representations to be in a preliminary stage and not yet fully thought out. For example, there are the apparent conflicts between yourself and the representative of MAFF concerning the number of permanent staff required and the relationship between the relatively isolated position of the appeal site, albeit in a position to take advantage of the extensive view, and the necessity for a dwelling to be located close to the farm buildings. Also to be considered are the possible difficulties in feeding stock when the farm cannot be fully self supporting in either cereals or silage depending upon the type of feeding you decide to adopt. Since there are strict policies restricting development in the Green Belt and the construction of a new dwelling is usually regarded as a permanent feature which would remain if the beef unit does not go ahead or if it fails after establishment it is my opinion in the circumstances of this case that because current need has not been established planning permission should be withheld.

7. I have also considered whether the appeal site is suitable for an agricultural worker's dwelling. It is clear from the representations that a dwelling should be located close to the farm buildings which are presently situated in the south corner of the site with access from Hastoe Hill. No strong reasons have been advanced for the dwelling to be sited in the position indicated. This site is particularly prominent and a building is likely to be visible over long distances as well as from the motorway. In my considered opinion it would have a detrimental effect upon the rural character of the area and the Area of Outstanding Natural Beauty and permission should not be granted.

8. In reaching my decision I have been guided by the advice contained in the Annex to Circular 24/73 Development for Agricultural Purposes and by Circular 16/87 - Development Involving Agricultural Land.

9. I have considered all the other matters raised in the representations including those by the Tring Town Council at application stage but do not find any which outweigh the considerations which have led me to these conclusions.

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

I am Sir

Your obedient Servant



F J THOMPSON BSc FRICS FRVA
Inspector

Department of the Environment
2 Marsham Street
LONDON SW1P 3EB

Under the provisions of Section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971.)

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is the Secretary of State or Inspector, as the case maybe, has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in Section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No. 419), which relate to the procedure on cases dealt with by the Secretary of State, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No. 420), which relate to the procedure on appeals transferred to Inspectors.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

AJP



DACORUM BOROUGH COUNCIL

To A C Kelly
23 Woodberry Avenue
North Harrow
Middlesex

B A Ritchie
1 Morford Way
Eastcote
Ruislip
Middlesex

One Dwelling - Outline

at Grove Farm, Hastoe Lane, Near Tring

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 28 July 1986 and received with sufficient particulars on 14 August 1986 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 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.
2. The adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of this policy.

Dated 6 day of November 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.