

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

T. Mr G Baldwin Faulkners
 Whippendell Farm 49 High Street
 Chipperfield Kings Langley
 Herts Herts

Permanent retention of residential caravan.

at Whippendell Farm, Whippendell Hill,
 Chipperfield.

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 August 1984 and received with sufficient particulars on 10th September 1984 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 shown on the County Structure Plan and Dacorum District Plan to be within the Metropolitan Green Belt. In the Green Belt permission will only be given for use of land, the construction of new buildings for agricultural or other 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 terms of this policy.

Dated 18th day of October 1984

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.

KEB



Department of the Environment and Department of Transport

Common Services

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 PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL
GTN 2074

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CHIEF EXECUTIVE
OFFICER

26 NOV 1985

File Ref.

Refer to

Cleared

Faulkners
49 High Street
KINGS LANGLEY
Hertfordshire
WD4 9HU

Ref.				Ack.	
C.P.O.	D.P.	I.C.	B.C.	Admin.	File
Received				26 NOV 1985	
Comments					

Your reference

CEEFF/MKB/2/9936

Our reference

T/APP/A1910/A/85/030467/P3

Date

25 NOV 85

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR G BALDWIN
APPLICATION NO:- 4/1212/84

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the permanent retention of a residential caravan at Whippendell Farm, Whippendell Hill, Chipperfield, Hertfordshire. I held a local inquiry into the appeal on 22 October 1985.

2. As the caravan has remained stationed on the appeal site following the expiry of a temporary planning permission I shall consider this proposal as an application for permission to continue the use of land for the stationing of one caravan without complying with the condition on the consent (Reference No: 4/1471/83 dated 23 January 1984) in accordance with Section 32 of the Town and Country Planning Act 1971.

3. From my inspection of the site and the surroundings and from the representations made to me at the inquiry I am of the opinion that the main issue in this case is whether there are any special circumstances sufficient to overcome the general presumption against development in a green belt.

4. The approved Structure Plan specifies that within the Metropolitan Green Belt permission will not be given, except in very special circumstances, for development other than that required for certain defined purposes including agriculture. The adopted local plan includes the appeal site within the green belt; this plan endorses the Structure Plan approach regarding the general presumption against development in this area.

5. You contend that the individual needs of your client are an overriding factor in this case. Your client's family have owned this holding since pre-war and have farmed it continuously. Mr Baldwin is not in good health and needs casual help in running the farm particularly for heavy jobs, for example during the hay making season. The couple who currently occupy the appeal caravan provide part-time help on the holding. You argue it is essential to have accommodation on site for casual staff in order that someone is readily available when needed and also for supervision of the holding, particularly the livestock, when your client is away. You say that the holding produces sufficient income to support Mr Baldwin and his wife although you accept that the present farming operations do not provide full-time employment for 2 workers.

6. You point out that the caravan in question has been on this site for some 10 years and has been the subject of a series of temporary planning permissions the last of which expired in December 1984; you contend that there is no practical reason for the council now to change its attitude towards this proposal. You argue that the caravan is in an inconspicuous location and has no visual impact on the surrounding countryside; you say there would be no prejudicial effect on the objectives of green belt policy.
7. On the other hand the council argues that there is nothing to justify overriding the green belt policy objections; permission was originally granted for this caravan on a temporary basis to overcome what was considered to be a short-term accommodation problem while the bulk of your client's stock was being moved from another farm to the present holding. Further temporary permissions had been granted in view of your client's personal circumstances but the council had always made it clear that if permanent accommodation was required it should be found elsewhere.
8. The council accepts that your client makes a living from this holding; however it also refers to advice from the Ministry of Agriculture, Fisheries and Food that the agricultural activities on this farm in 1984 were sufficient only to support one part-time worker and it is pointed out that since that time the livestock level has been reduced. The council considers that the other existing residential accommodation on the appeal holding is adequate to serve the agricultural requirements in this case and there is no justification for the present proposal.
9. Your client's farm extends to some 12.4 ha (31 acres) with an adjoining 6.9 ha (17 acres) rented; it is mainly grazing land and is also used for hay. This holding is part of an area of open countryside to the east of the village of Chipperfield. From my inspection I saw that this caravan, which is a twin-unit mobile home, is situated amongst a group of mainly timber buildings and is well concealed from view; given these circumstances I consider that this proposal would have no significant physical impact on the visual amenities of this rural area.
10. However this site is in the Metropolitan Green Belt and it is well established national and local policy that within such areas there is a general presumption against development. To establish whether there is any special justification in this case I have examined this proposal in terms of the agricultural needs of the holding and your client's personal circumstances.
11. Originally there were 5 dwellings associated with this holding; 2 are not now in your client's ownership and in respect of another 2, both of which are very small timber buildings, there is dispute with the council as to the exact nature of their authorised use. Your client occupies the fifth of the original dwellings. As to the farming operations I note that currently there are 8 cattle stored for fattening during the winter; these will be sold next spring and the land will be used for hay making. Also 28 horses are grazed here. I am aware that in previous years some 40/50 cattle have been kept.
12. I have studied the advice in the 1984 MAFF appraisal of this holding and have taken account of the guidance provided by Circular 24/73 on the assessment of agricultural need and the consideration of special cases. It is stressed in this Circular that "need" in this context means the need of the farming enterprise rather than that of the farmer and that it is usually only specialist workers who need to live on the farm. In the light of this guidance I have formed the opinion that, on the current level of farming operations, there is not a justifiable need for an additional residential unit on this holding; while I can well appreciate how convenient it would be for your client to have casual labour readily available, I am not convinced that the arguments you put forward, based on both agricultural and personal circumstances, are sufficient to outweigh the general policy presumption against development in a green belt.

13. I have considered your suggestion that it might be appropriate to grant permission for a further temporary period to enable your client to negotiate with the council on the matter of the 2 timber buildings known as "Security" and "The Chalet". In this connection I am mindful that the council, when granting temporary consents, has made it clear that alternative permanent accommodation should be sought and to my mind your client has been given considerable opportunity to take up this particular matter earlier. Therefore, given the circumstances of this case and the firm policy basis on which this matter must be judged, I do not consider that a further temporary permission is justified.

14. I have taken into account all other matters raised in the representations and at the inquiry but none outweigh the considerations which have led to my decision.

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

I am Gentlemen
Your obedient Servant

J. R. Collyer

J R COLLYER FRICS
Inspector

APPEARANCES

FOR THE APPELLANT

Mr P R Faulkner FRICS CAAV

- Chartered Surveyor, Faulkners,
49 High Street, Kings Langley.
Hertfordshire.

He appeared and gave evidence himself

He called:

Mr G Baldwin

- Appellant.

FOR THE PLANNING AUTHORITY

Mr J Vaughan

- Assistant Solicitor, Dacorum
Borough Council.

He called:

Miss B H Thomas BA MSc MRTPI

- Assistant Planner, Dacorum
Borough Council.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Letter of notification of inquiry and circulation list.
- Document 3 - Bundle of 3 letters submitted by appellant.
- Document 4 - Letter from appellant's doctor.
- Document 5 - Extracts from County Structure Plan.
- Document 6 - Extracts from Dacorum District Plan.
- Document 7 - Schedule of planning history of appeal site and adjoining property.
- Document 8 - Copies of 2 letters from council dated 12 April 1977 and 27 January 1984.
- Document 9 - Copies of 2 letters from MAFF.
- Document 10 - Letter from County Land Agent dated 12 December 1974.
- Document 11 - Schedule of appeal decisions in locality.
- Document 12 - Copy of condition suggested by council.

PLANS

- Plan A - Application Plan - location plan (1:2,500).
- Plan B - Location Plan (1:2,500) showing ownership and land rented details.

PLANS CONT'D

Plan C - Block Plan (1:500).

Plan D - Location Plan submitted by council showing land use details.

**NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER**