

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF DACORUM.....

IN THE COUNTY OF HERTFORD

To R. Laws, Esq.,
Automated Electrics Ltd.,
Lye Trading Estate,
LUTON,
Beds.Messrs. Sanders Associates,
36 The Mall,
EALING,
London,
W5.

Bungalow - OUTLINE

at Laws Farm, Birchin Grove, Pepperstock.

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 6th August, 1980, and received with sufficient particulars on 7th August, 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 a rural area beyond the Green Belt 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 use of land, the construction of new buildings, changes of use or extension 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 11th day of September, 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.



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Your reference

AE1/1.01/RS/MD

Our reference

T/APP/5252/A/80/12552/G10
Date

10 FEB 1981

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR R LAWS
APPLICATION NO:- 4/1227/80

008520

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 erection of a bungalow on land at Laws Farm, Birchin Grove, Pepperstock, Hertfordshire. I have considered the written representations made by you, by the council and by the South Bedfordshire District Council. I inspected the site on Tuesday 30 December 1980.
2. From my inspection of the site and from the representations made, I consider the main issue to be decided is whether or not there are sufficiently compelling reasons, on agricultural grounds, to justify a departure from the presumption against new residential development within a rural area beyond the Metropolitan Green Belt.
3. The appeal site, a holding of 24 acres or so, of which about 6 acres is woodland, is situated some 2 miles south of Luton and gains its main access from the south-western end of a cul-de-sac leading from Pepperstock, and known as Half Moon Lane. The lane is metalled to within a short distance of the entrance to the appeal site. The site, mainly surrounded by hedgerows and trees, is adjacent to a property used for pig keeping, beyond which is scattered development including caravan sites and agricultural land. On the appeal site are various buildings housing pigs, cattle and rabbits, as well as general storage units normally associated with a farming enterprise. A substantial steel "nissen" type building is under construction, understood to be for future pig rearing. Elsewhere the site is partitioned by new post and rail and wire fencing, and some hardcore roadways have been laid. A public footpath runs across the site from Half Moon Lane to Pepsal End Lane to the east of the site.
4. On behalf of your client you contend that relevant expenditure information has been made available and that the viability of the farming enterprise on the appeal site has or could be established, and that permanent labour is required and furthermore, specialist attention is essential to ensure minimum loss of livestock. You argue that the family needs of your client are not satisfied by the provision of caravan accommodation, and further he wishes to realise the value of his present house for reinvestment in the appeal site. I note that your client would accept a limitation on the use of the dwelling if permitted.
5. The council point out that the site lies in a rural area beyond the Metropolitan Green Belt, where, according to the approved County Structure Plan policy, there is

a presumption against development other than for agriculture, recreation or the like, and within an area where agriculture and forestry take priority over urban activities. The council, whilst accepting that the holding may prove to be a viable agricultural unit, do not accept, on the information available or on the basis of one year of ownership, that there is a proven agricultural viability and need when measured against the factors material to the assessment of agricultural undertakings. Because this is their view, the local planning authority feel that the recent grant of planning permission for the provision of a temporary dwelling on the site for a limited period, provides your client with an opportunity to establish the viability of the farming enterprise, before consideration is given to any proposal for a permanent dwelling.

6. I accept the view that this agricultural holding may, in due course of time, prove to be a viable farming operation and note the recent growth in activity on the site, but I am not satisfied that the present level of undertaking justifies the grant of permission for the erection of a permanent dwelling on this site, where the general planning policy for the area is the presumption against new dwellings. In holding this view, I take account of the level of capital investment which has already taken place, and which is currently being undertaken, but I am conscious that the present livestock systems fall well short of your client's proposals and I am influenced by the expressed view of the Ministry of Agriculture, Fisheries and Food that the present agricultural business is not viable.

7. Whilst I can appreciate your client's desire to live on the site of his farming enterprise, and accept there would be advantages in so doing, I do not consider this to be sufficient to justify departure from normally accepted planning policies. I feel however, that the recent grant of planning permission for the provision of a temporary dwelling on the site, satisfies any immediate need which may exist in connection with the safety and management of livestock, and at the same time does not inhibit further consideration being given to the construction of a permanent dwelling when viability and need can be properly established.

8. I have taken account of all other matters raised, including the willingness of your client to accept limitation on the use of the dwelling, but I regret they are not of sufficient weight to change my decision.

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

I am Gentlemen
Your obedient Servant



G S WEBB CEng MIMunE
Inspector