



Department of the Environment

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DTS.

Messrs Faulkners
Chartered Surveyors
49 High Street
KINGS LANGLEY
Herts
WD4 9HU

Your reference

PRF/LAC/7944

Our reference

T/APP/5252/A/78/02453/G6

Date

11 JUL 1978

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS G P CREED
APPLICATION NO: 4/1250/77

009275

1. I refer to your client's appeal, which I have been appointed to determine, against the decision of the Dacorum District Council, to refuse planning permission for the temporary stationing of a mobile home for occupation by a person employed in agriculture at Mosshall Farm, Ringshall Road, Little Gaddesden. I held a local inquiry into the appeal on Thursday 22 June 1978.

2. From the representations made and from my inspection of the appeal site and surroundings I am of the opinion that the issue to be decided is whether or not there is sufficient agricultural justification for the proposed mobile home on the site for a temporary period.

3. The appeal site is situated on the north-east side of Ringshall Road, about 1 km north-west of the central part of the village of Little Gaddesden. There are a number of houses extending out from the village along this road, mostly on the south-west side but including one house adjoining the appeal site; otherwise there are open rural surroundings. The site consists of about 3.5 ha of pasture and has an open sided livestock barn on it.

4. For your client it was stated that she had bought the land in 1972 in order to breed pedigree Suffolk sheep. She now has a growing reputation as a breeder and currently has a flock of 26 ewes and 1 ram, which produced 29 lambs this year. From this she expects to clear an income, after expenses, of a little over the current minimum agricultural worker's wage of about £2,200 per annum and expects this to increase as her reputation grows. She also has a heifer from which she expects to rear about 10 calves during 1979 and again in subsequent years.

5. Constant vigilance is required for the care of the flock from occurrences such as worrying by dogs, marauding by foxes, fly infestation and the loss of ewes which are unable to rise after falling on their backs, particularly when pregnant in late autumn. In addition, particular care is necessary in the period January to April during the birth of lambs and their first months of life. Your client's house is nearly half a mile away and she has to travel to and from the farm repeatedly, particularly in the winter. During the past year or so she lost 3 ewes and 6 lambs, some of which she might have saved had she been there all the time. She proposes to sell her home and live in a mobile home on the site where she could better

look after her flock. She is prepared to accept a limited permission of 5 years with the expectation of its renewal so long as her enterprise continues. Her need to be close to the flock is supported by the National Farmers' Union, the Suffolk Sheep Society, her veterinary surgeon and 3 farmers as well as by 3 out of the 4 nearby residents who have expressed their views.

6. The council and parish council are opposed to the mobile home because the area is one in which green belt policies are being applied and new dwellings are only permitted in certain cases such as when they are required for agriculture. The council considers that your client can manage the flock from her present house and suggests that she could erect a small extension to the barn where she could stay when more attention is required. I note that the Surveyor for the Agricultural Development and Advisory Service of the Ministry of Agriculture, Fisheries and Food in his appraisal considers that the half a mile from the farm would generally be considered a reasonable distance from which to manage her enterprise, but for her high standards of stockmanship.

7. From the evidence given, I accept that your client's activity at Mosshall Farm is just sufficient to create a viable agricultural holding but because this is due to her flock and her reputation, rather than the land and buildings, I consider that any justification for a dwelling on the site should take this into account as well as the fact that she is a person of mature years.

8. It is apparent that your client has been able to establish and maintain her flock during the past 3 years whilst living at her house which is about 650 yds away from the livestock barn on her land. Doubtless she could continue to do so for a time, but with an increasingly greater effort for her in future years. However it appeared to me that this required a considerable amount of travelling to and fro, particularly in winter. Moreover, even this effort would not ensure that your client would be on the spot when she was needed because the emergencies which she has to deal with could occur at any time without warning. Therefore I accept that your client could achieve the high standards of stockmanship for which she aims if she could live on the site and this would also result in a more effective agricultural holding because it would reduce the loss of ewes and lambs which now occurs.

9. Although the surrounding area is part of the Chilterns Area of Outstanding Natural Beauty which the council are rightly concerned to preserve, the proposed mobile home would be largely hidden from the road by the thick roadside hedge and, moreover, there are already a number of houses in the vicinity of the appeal site. On balance, therefore, I have come to the conclusion that the interests of this form of agriculture would better be served if a mobile home was permitted on the site for your client's occupation and that its effect on the appearance and character of the surroundings, in the immediate future and beyond, would not be so detrimental as to outweigh this agricultural benefit. Accordingly I have decided to allow your client's appeal for a period of 5 years as she requests and with conditions to ensure a satisfactory appearance for the mobile home and also that it is only occupied by your client for her agricultural purposes.

10. I have taken into account all other matters in the representations including the council's view that a mobile home, once permitted could become permanent, but I see no reason why this should be more likely to occur in the future, in similar circumstances, than at the present; I am of the opinion that all these matters do not outweigh the considerations which led me to my decision.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the temporary stationing of a mobile home for occupation by a person employed in agriculture at Mosshall Farm, Ringshall Road, Little Gaddesden in accordance with the terms of the application No 4/1250/77 dated 14 November 1977 and the plan submitted therewith, subject to the following conditions:

1. At the expiration of a period of 5 years from the date of this letter or when the mobile home ceases to be occupied by Mrs G P Creed, whichever shall first occur, the mobile home should be removed from the land.

2. The occupation of the mobile home shall be limited to a person solely or mainly employed in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971; including any dependants residing with such a person.

3. Approval of the details of the siting, design and external appearance of the mobile home shall be obtained from the local planning authority before it is brought on to the site.

12. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in condition 3 of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

13. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

D. J. Tuckett

D J TUCKETT ARICS MRPI
Inspector

DOCUMENTS

- Document 1 List of persons present at the inquiry.
- Document 2 Notice of inquiry and circulation list, dated 24 May 1978.
- Document 3 Bundle of 4 letters in reply from near neighbours at "Saxons", "Chailey Cottage", "Coneygarth", and "Hoo House".
- Document 4 Letter from the Chairman, Little Gaddesden Parish Council, dated 20 December 1977.
- Document 5 Letter from National Farmers' Union, dated 1 June 1978.
- Document 6 Letter from Suffolk Sheep Society, dated 15 June 1978.
- Document 7 Letter from Tuckett, Gray and Partners, veterinary surgeons, dated 17 June 1978.
- Document 8 Bundle of 3 letters from purchasers of lambs at Biggleswade. Northchurch and Henley-on-Thames.
- Document 9 Copy of appeal decision letter dated 26 October 1977 concerning a proposed agricultural dwelling at Mosshall Farm, ref T/APP/5252/A/77/4433/G8.
- Document 10 Copy of letter of appraisal of Ministry of Agriculture, Fisheries and Food, Agricultural Development and Advisory Service, dated 2 June 1978.

PLANS

- Plan A Appeal site and surroundings, scale 1/2500, being a copy of the application plan.
- Plan B Land use in vicinity of appeal site, scale 1/2500.

Department of the Environment
2 Marsham Street
LONDON SW1P 3EB

RIGHT TO CHALLENGE THE DECISION

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.

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 Inspector 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 Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No. 420), which relate to the procedure on appeals transferred to Inspectors.

RIGHT TO INSPECT DOCUMENTS

Under the provisions of rule 16(2) of the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 any person entitled to be notified of the decision given in the accompanying letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, for an opportunity of inspecting any documents, photographs and plans listed in the notification. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days' notice should be given, if possible.

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| 2438/78 | 12 JUL 1978 |
| FILE No. 4/1250/77 | DATE |

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To Mrs. G. P. Creed,
Mosshall Farm,
12 Little Gaddesden,
NR. BERKHAMSTED,
Herts.

Messrs. Faulkners,
49 High Street,
KINGS LANGLEY,
Herts.

Temporary Mobile Home

at Mosshall Farm, Ringshall Road, Little Gaddesden.

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 14th November, 1977. and received with sufficient particulars on 16th November, 1977. 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 Chilterns Area of Outstanding Natural Beauty on the approved County Development Plan where green belt policies apply and where there is a presumption against development unless it is essential for agricultural or other special purpose - insufficient justification has been proven in this case to warrant a departure from this principle.

Dated 5th day of January, 1978.

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.