



PLANNING DEPARTMENT

Mr C G B Barnard MSc Dip TP MRTPI  
Chief Planning Officer  
Dacorum Borough Council  
Civic Centre  
Marlowes  
Hemel Hempstead  
Herts HP1 1HH

To A B A Town Planning Ltd.  
31 Curzon Street  
London  
W1Y 7AE

TP Ref: 4/1252/89

Your application dated 10 July 1989 (together with the further details supplied by you) has been considered under the provisions of s.53 of the Town and Country Planning Act 1971, to determine whether planning permission is required in respect of

use of land for the growing and sale of soft fruits ("pick your own")  
and construction of access track and car park -

land at Potten End Hill, Water End, Hemel Hempstead

The decision of the Council in respect of your application is as follows:

(a) Use of land for growing of soft fruits:

No determination.

(b) Use of land for sale of soft fruits ("pick your own"):

Proposal does not constitute development and planning permission is not required for the sale of soft fruits grown on the land.

(c) Construction of access track and car park:

Proposal constitutes development and planning permission must be obtained.

The grounds for this determination are as follows:

(a) Use of land for growing soft fruits is considered to be an agricultural use. However, as the land is already in use for this purpose, the application does not amount to a proposal and no determination as to whether or not planning permission is required can be given.

(b) The use of land for the sale of soft fruit grown on the land is considered to be an activity which may be regarded as being ancillary to the primary agricultural use of the land.

Cont.

- (c) "Pick your own" is not a use of land in itself. The term merely refers to one of several methods of harvesting the fruit crop. The proposed car park and access track do not play any part in furthering the cultivation of the crop and they cannot be said to be operations which are ancillary to the agricultural use of the land. They are to be provided only for the convenience of customers picking their own fruit, which is not an agricultural use of land in its own right. The car park and access track are, therefore, a stage removed from the agricultural use of the land and their construction cannot be said to be engineering operations that are reasonably necessary for the purposes of agriculture. Consequently, the proposed operations are not permitted by Part 6 Class A of the Town and Country Planning General Development Order 1988.

Dated:

6 December 1989

Signed



Chief Planning Officer

## NOTES

1. Any person who desires to appeal -

- (a) against a determination of the local planning authority under s.53 of the Act; or
- (b) on the failure of a local planning authority to give notice of their decision or determination or of the reference of the application to the Secretary of State,

shall give notice of appeal to the Secretary of State within six months of notice of the decision or determination or of the expiry of the appropriate period allowed under Article 7 (6) of the Town and Country Planning General Development Order 1977 as amended, for giving such notice (i.e. 8 weeks from date of receipt of application by local planning authority), as the case may be, or such longer period as the Secretary of State may at any time allow. The notice shall be given in writing, addressed to The Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ.

2. Such person shall also furnish to the Secretary of State a copy of the following documents:-

- (i) the application;
- (ii) all relevant plans, drawings, particulars and documents submitted with the application;
- (iii) the notice of the decision or determination, if any;
- (iv) all other relevant correspondence with any local planning authority.

## **FURTHER STATEMENT**

### **TOWN AND COUNTRY PLANNING ACT 1971 TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988 PROPOSED DIRECTION UNDER ARTICLE 4**

#### **LAND OFF POTTEN END HILL, WATER END, HERTFORDSHIRE**

1. The proposed Article 4 Direction seeks to impose controls over development primarily related to agriculture, and therefore covers development within Class A of Part 6 of Schedule 2.
2. At the same time, however, the Council is concerned that the land could be used for the purposes of forestry without the need for planning permission, as s.22 of the 1971 Act provides that such a change of use would not be a material one. The use of the land in this way would also attract permitted development rights very similar to those contained in Part 6 of Schedule 2. If any such development were carried out on the land, the Council is of the opinion that the harm to the countryside that would result would be the same as that caused by development falling within Part 6.
3. Furthermore, the possibility that Part 7 permitted development rights were available might encourage just such a change of use of the land to forestry. This could lead to the planting of rows of conifers or other non-indigenous species, which would clearly have a seriously harmful effect on the appearance of this part of the Chilterns Area of Outstanding National Beauty.
4. Accordingly, whilst there is no immediate threat of forestry operations on the land, the Council considers that it is important to secure control over forestry related development that would otherwise be permitted by virtue of Part 7, for the same reasons that the Direction is sought in respect of Part 6.
5. Nevertheless, if it is concluded that there is insufficient justification at the present time to withdraw Part 7 permitted development rights in respect of this land, the Council would be prepared to agree to the modification of the Direction so as to omit reference to Part 7, if this would enable early confirmation of the Direction to be made.

## DACORUM BOROUGH COUNCIL

## TOWN AND COUNTRY PLANNING ACT 1971

## TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

DACORUM BOROUGH COUNCIL (TOWN AND COUNTRY PLANNING ACT 1971  
DIRECTION RESTRICTING PERMITTED DEVELOPMENT) (LAND OFF POTTEN END  
HILL, WATER END) ORDER 1990

WHEREAS the Dacorum Borough Council ("the Council") being the appropriate local planning authority within the meaning of Article 4 of the Town and Country Planning General Development Order 1988 ("the Order") is of the opinion that development of the descriptions set out in the Schedule hereto should not be carried out on land off Potten End Hill, Water End, Hertfordshire edged red on the plan annexed hereto being land within a rural area beyond the Metropolitan Green Belt, the Chilterns Area of Outstanding Natural Beauty and the Gade Valley corridor which is of Natural History Interest, unless permission therefor is granted on application made under the Order

NOW THEREFORE the Council in pursuance of the powers conferred upon it by the said Article 4 hereby directs that the permission granted by Article 3 of the Order shall not apply to development on the said land of the descriptions set out in the Schedule

## SCHEDULE

1. Development within Class A of Part 6 of Schedule 2 of the Order namely:

The carrying out on agricultural land comprised in an agricultural unit of:

- (a) works for the erection, extension or alteration of a building, or
- (b) any excavation or engineering operations, reasonably necessary for the purposes of agriculture within that unit.

~~2. Development within Class A of Part 7 of Schedule 2 of the Order namely:~~

~~The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of:~~

- ~~(a) works for the erection, extension or alteration of a building,~~
- ~~(b) the formation, alteration or maintenance of private ways,~~
- ~~(c) operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways,~~
- ~~(d) other operations (not including engineering or mining operations).~~


Given under the Common Seal of Dacorum Borough Council of  
Civic Centre Marlowes Hemel Hempstead Hertfordshire HP1  
1HH

This 21<sup>st</sup> day of February 1990

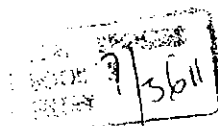
THE COMMON SEAL of  
DACORUM BOROUGH COUNCIL  
was hereunto affixed in  
the presence of

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Chief Executive

  
Assistant Secretary  
(Admin)

2.90/32/97/16/17/AMW/JDD/BS.5





The Secretary of State for the Environment  
hereby approves the foregoing direction  
subject to the modifications shown in red ink  
thereon.

*R.A. Bush*

Signed by authority  
of the Secretary of  
State

12 March 1990

\*A Regional Controller  
in the Department of  
the Environment.



DACORUM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

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NOW THEREFORE the Council in pursuance of the powers conferred upon it by the said Article 4 hereby directs that the permission granted by Article 3 of the Order shall not apply to development on the said land of the descriptions set out in the Schedule

SCHEDULE

1. Development within Class A of Part 6 of Schedule 2 of the Order namely:

The carrying out on agricultural land comprised in an agricultural unit of:

- (a) works for the erection, extension or alteration of a building, or
- (b) any excavation or engineering operations, reasonably necessary for the purposes of agriculture within that unit.

2. Development within Class A of Part 7 of Schedule 2 of the Order namely:

The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of:

- (a) works for the erection, extension or alteration of a building,
- (b) the formation, alteration or maintenance of private ways,
- (c) operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways,
- (d) other operations (not including engineering or mining operations).

Given under the Common Seal of Dacorum Borough Council of  
Civic Centre Marlowes Hemel Hempstead Hertfordshire HP1  
1HH

This

21st

day of

February

1990

THE COMMON SEAL of  
DACORUM BOROUGH COUNCIL  
was hereunto affixed in  
the presence of

)  
)  
)

L.S.

Chief Executive

Assistant Secretary  
(Admin)

2.90/32/97/16/17/AMW/JDD/BS.5

