



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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12/2/95
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Mr M J Waples
The Old Forge Barn
Ridings Way
Cublington
Leighton Buzzard, Beds

Your Reference:

Council Reference:

4/1679/93

4/1258/94EN

Our Reference:

T/APP/C/94/A1910/635665

T/APP/A1910/A/94/243556

Date: 25 JUL 1995

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 78 AND 174 AND
SCHEDULE 6**

PLANNING AND COMPENSATION ACT 1991

APPEAL BY MR E G RUTTER

LAND AND BUILDINGS AT FIELD OS 1877, WINGRAVE ROAD, LONG MARSTON

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeals against an enforcement notice issued by the Dacorum Borough Council and against a refusal of planning permission by the same Council, both concerning the above mentioned land and buildings. I have considered the written representations made by you and the Council. I inspected the site on 4 July 1995.

THE NOTICE

2. (1) The notice was issued on 16 August 1994.
- (2) The breach of planning control as alleged in the notice is, without planning permission, the erection of a barn in field OS 1877.
- (3) The requirements of the notice are
 - (i) Dismantle the building and remove from the site all materials used in the erection of the livestock building.
 - (ii) Reinstatement of the land to a condition suitable for agricultural use.
- (4) The period for compliance with these requirements is six months.

GROUND OF APPEAL

3. Your client's appeal is proceeding on the ground set out in section 174(2)(a) of the 1990 Act as amended by the Planning and Compensation Act 1991.

THE APPEAL UNDER SECTION 78

4. The development for which the Council has refused planning permission is the erection of a livestock building.

5. The main issue before me is the same in both appeals. In the light of the provisions of Policy 5 of the Dacorum Borough Local Plan (which, as foreshadowed in the Local Planning Authority's written statement, has now been adopted and thus forms part of the Development Plan) this issue is whether the impact which the building would have on the character and appearance of the countryside is justified by the agricultural need for it.

6. The barn when completed would measure 30.3m by 12.2m by 6.4m high. It would be a large building, very prominent in the landscape when viewed from the road, from public footpaths and, in particular, from the residential development at Bromley, immediately to the south east of the appeal site. Although I note that landscaping is proposed, and while I accept that the proposed building would to some extent screen from view other farm buildings to the north of it, it would not be a "small-scale building" for the purposes of Local Plan Policy 5 and would, in my opinion, have a significantly detrimental impact on the character and appearance of the countryside.

7. The building would thus not, under the terms of Policy 5, be one that would normally be permitted in this rural area, and it could in my opinion be justified only by the clearest and most pressing evidence of agricultural need. While I have carefully noted the terms of the ADAS report as to this need, considerable doubt is thrown on it by the views of the Hertfordshire County Council Land Agent in his letter of 28 February 1994; having seen the site, I agree with him. I noted that the existing barn (referred to in the ADAS report as the Blue Barn) was not being used exclusively for agricultural purposes, containing at the time of my visit in excess of 40 large safes and other items with no apparent agricultural connection. I accept the Land Agent's view that the Blue Barn could easily be adapted for stock housing and that, together with an efficient use of the dutch barn, it could meet the principle needs of your client's holding. While some additional accommodation might be necessary, I cannot find that an adequate case has been made for a building on the scale and with the visual impact of the proposed and partially completed structure. I will therefore dismiss these appeals.

8. I have considered all the other matters raised in the representations, but these do not outweigh the considerations that have led me to my decision.

FORMAL DECISION

9. For the above reasons, and in exercise of the powers transferred to me, I dismiss your client's appeal against the enforcement notice and direct that it be upheld. I refuse to grant planning permission on the application deemed to have been made under S177(5) of the amended Act. I dismiss your client's appeal against the refusal of planning permission.

RIGHTS OF APPEAL AGAINST DECISIONS

10. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against my decisions to the High Court are enclosed for those concerned.

Yours faithfully

A handwritten signature in black ink that reads "A. N. Marshall". The signature is written in a cursive, slightly slanted style.

A N Marshall MA(Oxon) Solicitor
Inspector

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