



Planning Inspectorate

Department of the Environment

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Mr D Clarke
47 Gravel Lane
Boxmoor
HEMEL HEMPSTEAD
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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL							Your reference
Ref.				Ack.		Our reference	
C.P.	T.O.P.	D.P.	D.C.	R.C.	Admin.	FD/APP/A1910/A/90/145931/P8	
						Date	
						8 JUN 1990	
Received							
Comments							

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR PETER BROWN
APPLICATION NO: 4/1278/89

1. 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 outline planning permission for a detached farmhouse and garage at Brown Springs Farm, Potten End, Herts. I have considered the written representations made by you and by the Council and also those made by the Nettleden and Potten End Parish Council and interested persons. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me. I inspected the site on 8 May 1990.
2. From my consideration of the written representations and from my inspection of the site and its surroundings, I have come to the conclusion that the main issues in this appeal are, firstly, whether there are sufficient grounds to overcome the general presumption against inappropriate development in the Green Belt and, secondly, whether the proposed development would preserve and enhance the Chilterns Area of Outstanding Natural Beauty.
3. The appeal site lies to the north of Potten End and is separated from the village by an area of grassland. Further to the north are other fields of pasture which, together with some well established woodland form the remainder of your client's holding. To the west of the proposed site are your client's farm buildings. These are generally dilapidated and house a mixture of uses and commodities.
4. On the first issue, the appeal site is included in the Metropolitan Green Belt as shown by the Hertfordshire Structure Plan and as defined by the adopted Dacorum Local Plan. The Government has frequently stated its commitment to the preservation of the Green Belt from inappropriate development, and Planning Policy Guidance Note No 2 makes clear the Government's view that approval should not be given for the construction of new buildings within a Green Belt except in very special circumstances.
5. You seek to establish such circumstances on behalf of your client by drawing attention to the letter of 28 March 1984 from the Ministry of Agriculture, Fisheries and Food. It appears to me, however, that this letter is only intended to outline the steps that need to be taken to increase beef production on the farm and you have not furnished me with any evidence to show that these steps have been put in hand

during the 6 years that have elapsed since the letter was written. More conclusively the letter contains no recommendation in support of the need for a dwelling. In view of this absence of support I do not believe that you have demonstrated that there are circumstances of such strength as to overcome the presumption against inappropriate development in the Green Belt.

6. Turning to the second issue, the Chiltern Area of Outstanding Natural Beauty has been designated with the purpose of preserving and enhancing the natural beauty of the area. When I visited the site, I saw that the proposed house would be an extension of the existing, sporadically sited group of buildings that are clearly separated from the village by the area of allotments and by the intervening pasture land. In my view, your client's proposal would increase the intrusive nature of this group of buildings and would be seen prominently from existing development in the village. I conclude that the proposed development could not fail to harm the character and appearance of the Area of Outstanding Natural Beauty and should be resisted for this reason.

7. I have taken into account all of the other matters raised including the difficulties encountered by your client in managing the farm from his present address, but do not consider there are any of sufficient weight to override those that have led me to my decision.

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

I am Sir
Your obedient Servant



A M GRIFFIN DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To P Brown Esq
74 Cowper Road
Hemel Hempstead
Herts

D Clarke Esq
47 Gravel Lane
Hemel Hempstead
Herts

..... Farmhouse and Garage
.....
at Brown Spring Farm, off Plough Lane
..... Potten End,

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 25.7.89 and received with sufficient particulars on 27.7.89 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

1. The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use 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.
2. The adopted Dacorum District Plan shows the site to be within the Chiltern Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development by reason of its mass, prominence and detachment from the existing farm buildings is unacceptable in the terms of this policy, and is also contrary to policies 24 and 25 of the said
Dated Thirtieth day of .. November 19 89, District Plan.

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.