



The Planning Inspectorate

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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
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T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	
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Comments						

Your Reference
PRF/MN/2/14740
Our Reference
T/APP/C/92/A1910/624981/P6
Council Reference
4/1256/92EN & 4/1288/92EN
Date
8.1 MAR 93

Gentlemen,

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
APPEAL BY MR P LORY
LAND AT BULSTRODE FARM, BULSTRODE LANE, CHIPPERFIELD, HERTFORDSHIRE

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against an enforcement notice issued by Dacorum Borough Council concerning the above land and buildings. I have considered the written representations made by you and the Council and also those made by Chipperfield Parish Council and I inspected the site on 3 February 1993.

THE NOTICE

2. a. The notice is dated 24 August 1992.
- b. The breach of planning control as alleged in the notice is change of use of the agricultural building (shown coloured green on the attached plan) from agricultural use to use for the operation and administration of a storage and distribution business not associated with agriculture.
- c. The requirements of the notice are:
- i. stop the use of the agricultural building for the operation and administration of the storage and distribution business not associated with agriculture;
 - ii. remove the portable office cabin located within the agricultural building from the land;
 - iii. remove all containers and other items not associated with agriculture stored in the agricultural building on the land.
- d. The period for compliance with these requirements is 6 months.



GROUNDS OF APPEAL

3. Your client's appeal is proceeding on ground (a) of Section 174(2) of the 1990 Act as amended by the Planning and Compensation Act 1991, that is to say, that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

THE APPEAL SITE

4. The appeal site is an area of agricultural land known as Bulstrode Farm within the Metropolitan Green Belt on which stand a number of buildings including 2 large barns. The enforcement notice refers to use of part of the northerly building which is linked by conveyor belt to a drier. It is a metal framed building which was granted planning permission in 1983 as a grain store, with a further extension granted in November 1984. The Local Planning Authority say that at a site inspection in 1991 it was found that the majority of the extension (645 sq m) was in use for the storage of large wooden containers and there was a portable office building in the barn.

5. A second appeal was originally lodged against this enforcement notice. That appeal by Stage 1 (whom I take to be the occupiers of the barn at the time the enforcement notice was issued) has been withdrawn. At the time of my visit the relevant part of the barn (I was not able to see the remainder of the barn since it was locked) was empty. After the site visit, the Local Planning Authority sent me copies of photographs of the site taken in connection with the planning application for change of use of the grain store received in June 1992 and subsequently refused.

6. Although the appeal statement by Stage 1 alleges that the premises have been used as a storage and distribution facility for over 10 years, this is not part of your client's case. The Local Planning Authority say the grain store has been used for commercial storage at least since 1991. Since planning permission for the store was only granted in July 1983 and there is no appeal on ground (d), I do not propose to consider this aspect any further.

APPEAL ON GROUND (a)

7. From my view of the site and its surroundings and having read the representations, I consider that the main issues in this case are first, whether there are any special circumstances which would warrant the use of this building for storage purposes within the Green Belt and secondly, the effect of the use on highway safety.

8. On the first issue, as the Council say, use for the operation and administration of a storage and distribution business is not within any of the categories recognised in Planning Policy Guidance Note 2 and elsewhere as exceptions to the restrictive Green Belt policy. It is necessary therefore to consider whether there are any special circumstances in this case to warrant the use.

9. In this respect, you draw my attention to Government guidance particularly in Planning Policy Guidance Notes 2 and 7 which you say envisage the establishment of completely non-agricultural uses within

established agricultural buildings. You point, too, to Policy 99 of the Dacorum Borough Plan which makes provision for non-agricultural use of redundant buildings in the countryside.

10. Bullstrode Farm is the headquarters of the arable part of your client's farming enterprise, the total farming operation extending to 2,500 acres including dairy herds. The appeal site is part of a large agricultural building for storing grain from the appellant's arable land. The arable enterprise has been affected by the Common Agricultural Policy in that following the decline in cereal margins land has been returned to pasture and compulsory set-aside has reduced the arable acreage by 15%. The full capacity of the grain store is therefore no longer required and will be redundant for so long as the Common Agricultural Policy restricts the farming of the land. You say that the current use (now ceased) for the storage of furniture is viewed by your client as a temporary measure unless and until the building is required for the storage of farm produce.

11. I concur that the thrust of central government policy favours the re-use and adaptation of agricultural buildings for certain uses where they are no longer needed for agriculture. However, as well as the Green Belt location, it is necessary to consider the effect of the use of the building, (alongside the existing agricultural use of the land) in terms of traffic generation and highway safety.

12. The Council's contention on this aspect is that the generation of traffic movement by large vehicles in association with the storage use would lead to danger and congestion on the narrow roads surrounding the site. It is pointed out that Bulstrode Lane is a narrow rural lane without footways. Furthermore, Bulstrode Farmhouse, 2 farm cottages and a barn in the process of conversion to residential use are all located on the access road to the grain store. The local planning authority argue that the additional heavy traffic would be detrimental to the safety of pedestrians and other road users.

13. I saw at my visit that Bulstrode Lane is, as the Parish Council say, a narrow country lane. Whilst it may well have been used for agricultural traffic over many years, I am concerned about its use for other additional heavy commercial vehicles, because of the likely increase in danger to other users of the highway here having regard to its restricted width and the dwellings on the farm. Although the vehicles used for a storage business may be no larger than the bulk lorries used for the haulage of grain, it seems to me likely that there would be a greater number of such vehicles, taking into account the information made available to me in the Officer's Report on the former planning application (4/0712/92RD) which refers to a number of sub-contractors working at the site. The Council's view at that time was that the number of traffic movements would undoubtedly increase. Whilst your client's tenants have now vacated the site and the numbers of vehicles associated with the use would vary from tenant to tenant, in the absence of any other information and having regard to the narrow width of Bulstrode Lane, I have concluded that the use would be likely to be materially detrimental to highway safety. For this reason, therefore, I find that, although your client has no present use for that part of the appeal site shaded green on the enforcement notice plan, the storage use should not be allowed.

14. I have had regard to the appeal decision to which you refer me (T/APP/H0330/A/92/206654/P4). It does not appear to me that that case is on all fours with the case before me since it related to a proposed light

industrial use, Class B1, on a site not in a Green Belt where highway safety was not an issue.

15. I have considered all the other points made but have found nothing which alters my conclusion on the main issues. The appeal on ground (a) fails.

FORMAL DECISION

16. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your client's appeal, uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act.

RIGHT OF APPEAL AGAINST THE DECISION

17. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Gentlemen
Your obedient Servant

Caroline Briggs

CAROLINE BRIGGS BA FRTPI Barrister
Inspector

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