

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM
 IN THE COUNTY OF HERTFORD

To Mr. B. D. Gandolfi, Woolaway Bungalows Ltd.,
 209 Whitchurch Lane, 6 The Crescent,
 EDWALL, LUNTON,
 Middlesex. Somerset,
 GL4 4LJ.

One dwelling
at Windmill Farm, Hicks Road, Markyate.

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 6th October, 1978, and received with sufficient particulars on 9th October, 1978, 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 without notation on the County Development Plan and in an area referred to in the submitted County Structure Plan written Statement within which there is a presumption against further development unless it is essential for agricultural or other special local needs - insufficient justification has been proven to warrant departure from this principle.

Dated 7th day of December, 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.

D/195/21.1



Department of the Environment

Room 1319

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

CHIEF EXECUTIVE

31 JAN 1980

Re Ref.

Direct line 0272-218 8750

Switchboard 0272-218811

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

Your reference

PRF/HEF/8364

Our reference

T/APP/5252/A/79/6022

Date

30 JAN 1980

000663

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY B D GANDOLFI ESQ

APPLICATION NO:- 4/1316/78

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for an agricultural worker's dwelling on land at Windmill Farm, Hicks Road, Markyate. I held a local inquiry into the appeal on 15 January 1980.
2. The appeal site is unmarked, but is situated at the western corner of OS field No 9879 which is one of a group of 5 grassed fields which make up your client's holding of about 38 acres. There is a dutch barn enclosed by a chain-link fence about 6 ft high with 3 strands of barbed wire on top, located close to the north-western boundary roughly 60 yds north-east of the site. The latter is situated at the junction of Hicks Road and Windmill Lane, 2 narrow metalled highways, and Half Moon Lane which is a rough track. The settlement of Markyate lies about 0.5 miles to the south-west.
3. Essentially your client's case is that he purchased Windmill Farm in 1971 and since that time has improved it considerably by rehabilitating the land and its fences and hedges, bringing in a water supply and constructing a dutch barn. Hay has been taken from the holding more or less annually and for 2 periods, between 10 and 60 beef cattle have been grazed there. However, the fear of theft and vandalism which in one case amounted to about £1,000 worth of damage, makes security in the form of a dwelling essential before he invests in a beef rearing shed, for which there is consent, and the 100 head of beef cattle he wishes to rear on a semi intensive basis.
4. The council for their part argue that the enterprise is only a stated intention and there is no evidence to suggest that it would be permanent. Moreover it has not been demonstrated that it is essential in agricultural terms rather than merely convenient to have a dwelling on the holding. Allegations of cattle theft in the district are not supported by police records for the last 2 years.
5. From my inspection of the site and its surroundings and the evidence I heard at the inquiry, I am of the opinion that the key issue in this case is whether there is an agricultural need for the proposal that would warrant overriding the planning objections to an additional dwelling in the open countryside.

6. You estimate that a nett income of about £3,400 could be derived from the intended beef herd and consider that this would satisfy the viability test in assessing agricultural need. This view seems to be supported by the appraisal of the County Valuer and Land Agent, but taking into account the costs of a stockman's wages and the capital investment represented by the proposal and a beef rearing shed, I am not entirely convinced that the enterprise would be viable. Even accepting marginal viability, I am not persuaded that it is essential for a worker to reside on the holding since in my view his agricultural duties could be discharged equally well if he resided in one of the nearby villages.

7. It appears to me that your client's prime motivation for a dwelling on the appeal site arises from the desire for security. Vandalism is undoubtedly a problem and I saw that despite the very substantial fencing, determined efforts had been made to enter the barn compound. However, while I recognise that this and the possibility of cattle rustling are problems, I do not consider that the proposal would be necessarily any more effective as a deterrent than frequent, but random patrols, particularly as it would not command unimpaired views of all the fields and the roads and tracks they adjoin. In any event I am unable to accept this as a sufficient reason for overriding the council's policy towards residential development in this area.

8. I have considered your client's obvious interest in agriculture which is evidenced by the excellent condition of Windmill Farm. I have also noted that the accommodation that the proposal would provide is compatible with an agricultural worker's requirements and his willingness to accept an occupancy condition, but having taken these into account together with all the other matters raised at the inquiry, I do not find they affect my conclusions on the planning issues involved.

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

I am Gentlemen
Your obedient Servant

A. W. Machin

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Inspector