



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref. No. 4/1337/90

Mr R Pike
Longford Farm, St. Margarets
Great Gaddesden
Herts

John C A Proctor
24 Egerton Road
Berkhamsted
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

Longford Farm, St Margarets, Great Gaddesden

CHANGE OF USE OF POULTRY SHEDS TO CRAFT WORKSHOPS.

Your application for *full planning permission* dated 10.09.1990 and received on 20.09.1990 has been *REFUSED*, for the reasons set out on the attached sheet(s).

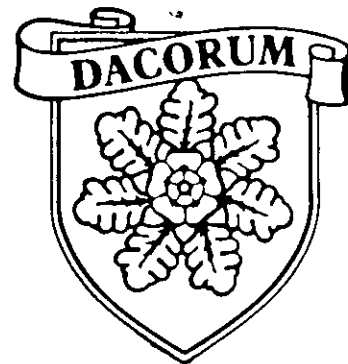
Director of Planning.

Date of Decision: 08.11.1990

(encs. Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/1337/90

Date of Decision: 08.11.1990



1. The site is within a rural area beyond the 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 Chilterns 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 is unacceptable in the terms of this policy.
3. The increased use of the access which is sub-standard in width, and the type of commercial traffic likely to be generated by the proposed uses are likely to give rise to conditions prejudicial to highway safety.
4. The buildings are of no architectural or historic merit and there is no justification on this ground for a departure from the established policy. Furthermore, the introduction of industrial uses into an area of predominantly open countryside which is likely to have adverse environmental consequences for the surrounding area.

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

DACORUM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

Material Change of Use

LAND AT LONGFORD FARM ST MARGARETS GREAT GADDESSEN
HERTFORDSHIRE

W H E R E A S:

- (1) It appears to the Dacorum Borough Council ("the Council") being the local planning authority for the purposes of s.172 of the Town and Country Planning Act 1990 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("the Land") described in Schedule 1 below.
- (2) The breach of planning control which appears to have taken place consists in the carrying out of development by the making of the material change in the use of the land described in Schedule 2 below, without the grant of planning permission required for that development.
- (3) The Council considers it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this Enforcement Notice, in exercise of its powers contained in the said section 172, for the reasons set out in the Annex to this Notice.

NOTICE IS HEREBY GIVEN that the Council requires that the steps specified in Schedule 3 below be taken in order to remedy the breach within the period of Twelve months from the date on which this Notice takes effect

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of s.175(4) of the Act, on 4th November 1991.

SCHEDULE 1

LAND OR PREMISES TO WHICH THIS NOTICE RELATES:

LAND AT LONGFORD FARM ST MARGARETS GREAT GADDESSEN
HERTFORDSHIRE

shown edged red and part of which is hatched green on the attached plan

SCHEDULE 2

ALLEGED BREACH OF PLANNING CONTROL:

- Unit 1 - The change of use from Poultry House to the use of the same for the manufacture and sale of rabbit hutches and aviaries.
- Unit 2 - The change of use from Poultry House to the use of the same for the manufacture and sale of garden furniture.
- Unit 3 - The change of use from Poultry House to:
- (a) The use of one part of the said House for the display and sale of fireplaces and ancillary equipment
 - (b) the use of another part of the said House for the manufacture and sale of furniture.
- Unit 4 - The change of use from Poultry House to:
- (a) The use of one part of the said House for the display and sale of books and barbecue equipment.

- (b) The use of another part of the said House
for works carried out to motor vehicles.

SCHEDULE 3

STEPS REQUIRED TO BE TAKEN:

The cessation of all the uses specified in Schedule 2 above
together with the removal of all equipment appertaining thereto
so that the use for reverts to agricultural use.

Issued *23rd September* 1991

Council's address:

Civic Centre
Marlowes
Hemel Hempstead
Herts HP1 1HH

(Signed) *K. M. Pughley*

(Designation) DIRECTOR OF LAW AND ADMINISTRATION
(The Officer appointed for this
purpose)

9.91/LONG.FM/RH/PEC/BS.5

BS/L.247

circumstances, for all but a narrow range of development proposals primarily connected with agriculture, forestry and other uses appropriate to a rural area. In the absence of evidence demonstrating an exceptional or particular need for the uses the subject of this Notice in this locality, the uses are contrary to the aims of this policy by reason of being inappropriate and harmful to the character of this Rural area and to the overall aims of the policy to restrict nonessential development in the Rural Area.

By virtue of s.88(2) of the National Parks and Access to the Countryside Act 1949, there is a general duty to preserve and enhance the natural beauty of the designated Chilterns Area of Outstanding Natural Beauty. The development plans and Planning Policy Guidance Note No 7 indicate that the design, external appearance and location of any new development in such areas will be subject to special scrutiny to ensure that it fits properly into its surroundings and that the environmental effects of new development should be a major consideration. The use of the site for retail and industrial purposes the subject of this Notice in an area of open countryside on the edge of a hamlet within the designated Chilterns' Area of Outstanding Natural Beauty, by reason of:

- (a) its intrusiveness by way of increased activity of parking, storage activities and coming-and-goings to and from the site associated with the uses and consequent effect of noise and disturbance upon the tranquility of the locality, and
- (b) the increased use of narrow and twisting lanes sub-standard in width to accommodate the needs of commercial traffic generated by the uses with consequent detrimental effects on highway safety,

is inappropriate in the locality.

The Council, as local planning authority, considers therefore that the advice in Planning Policy Guidance Note NO 7 to the

THE ANNEX

This information is given in pursuance of the Town and Country Planning (Enforcement Notices and Appeals) Regulations 1981 and Circular 38/81.

The Council, as the local planning authority, considers it expedient to serve this Notice upon you for the following reasons:

The site is located outside the designated "commercial" areas of the town centres of Hemel Hempstead, Berkhamsted and Tring and outside the designated "industrial" areas of those towns as shown in the Proposals Map of the Adopted Dacorum District Plan (1984). The uses of the buildings for those retail and industrial purposes set out in Schedule 2 of this Notice as alleged breaches of planning control are contrary to the aims of the District Plan which seek to concentrate retail and industrial developments in the designated "commercial" and "industrial" areas respectively. Additionally, the said uses are contrary to the aims of the policies of the Deposited Draft Dacorum Borough Local Plan which seek to concentrate retail development in town and local centres and industrial uses in the designated "general employment areas" of Berkhamsted, Hemel Hempstead, Tring and Markyate, and for small firms, additionally, in town and local centres.

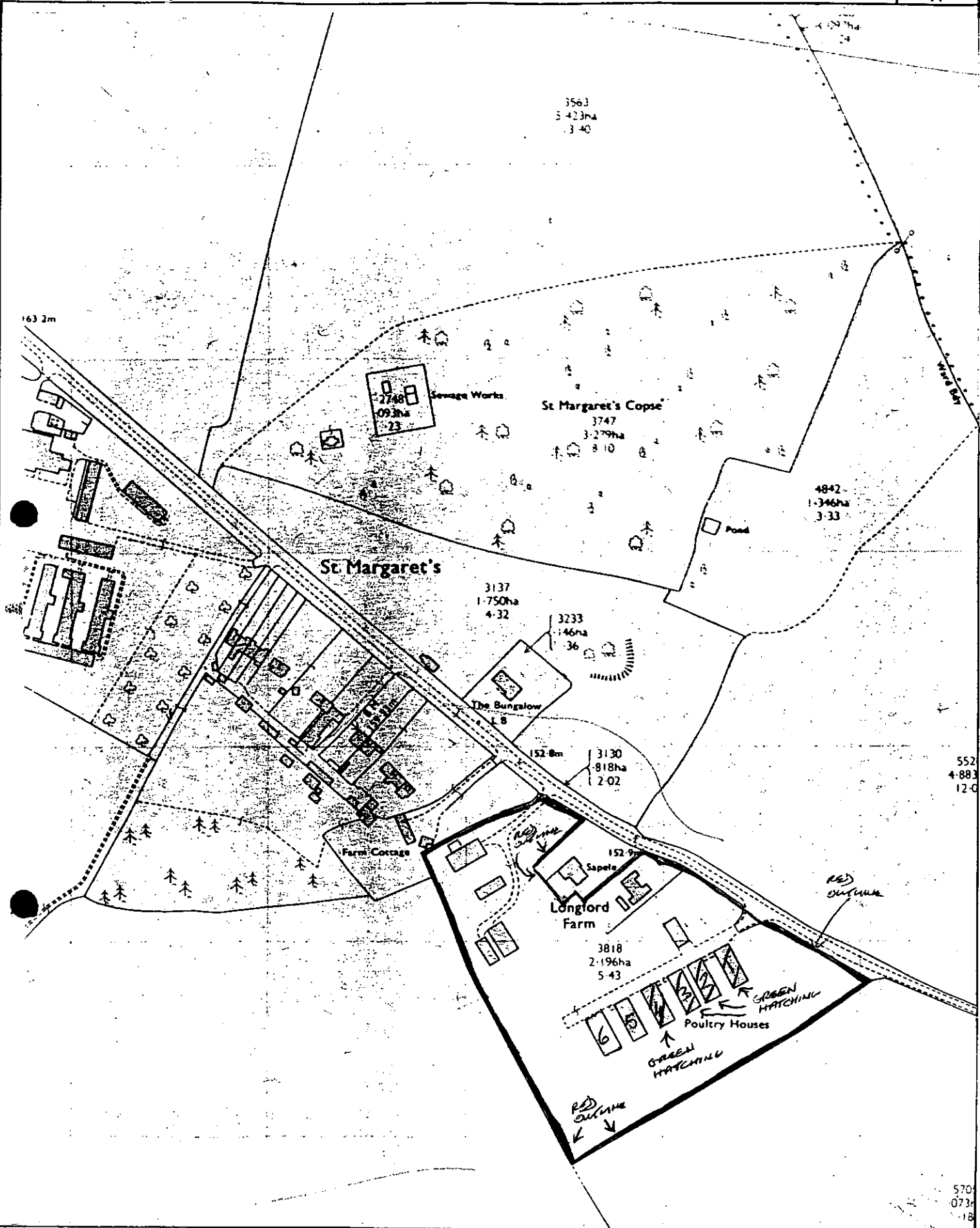
The site is located within a Rural Area beyond the Metropolitan Green Belt and within the designated Chilterns Area of Outstanding Natural Beauty as shown in the development plans for the area, ie diagrammatically in the Approved County Structure Plan 1986 Review (1988) and in detail in the Proposals Map of the adopted Dacorum District Plan (1984) and the Proposals Map of the Deposited Draft Dacorum Borough Local Plan.

Within the Rural area, there is a general presumption against inappropriate development as expressed in the development plans and in Department of Environment Planning Policy Guidance Note No 7 and approval should not be given, except in very special

effect that even in open countryside, the reuse of redundant buildings should not be rejected is outweighed by the reasons set out above.

9.91/LONG.FM/RH/PEC/BS.5

BS/L.247



PLAN REFERRED TO IN ENFORCEMENT NOTICE DATED

SCALE :
APPLICATION No.

DACORUM BOROUGH COUNCIL,
CIVIC CENTRE, MARLOWES,
HEMEL HEMPSTEAD.

Based on the O.S. Map with the sanction of the Controller of H.M. Stationary Office
Crown Copyright Reserved

LONGFORD POULTRY FARM, ST.MARGARETS, GREAT GADDESSEN.

REASONS

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The site is located within a Rural Area beyond the Metropolitan Green Belt and within the designated Chilterns Area of Outstanding Natural Beauty as shown in the development plans for the area, i.e. diagrammatically in the Approved County Structure Plan 1986 Review (1988) and in detail in the Proposals Map of the adopted Dacorum District Plan (1984) and the Proposals Map of the Deposited Draft Dacorum Borough Local Plan.

Within the Rural Area, there is a general presumption against inappropriate development as expressed in the development plans and in Department of Environment Planning Policy Guidance Note No.7 and approval should not be given, except in very special circumstances, for all but a narrow range of development proposals primarily connected with agriculture, forestry and other uses appropriate to a rural area. In the absence of evidence demonstrating an exceptional or particular need for the uses the subject of this Notice in this locality, the uses are contrary to the aims of this policy by reason of being inappropriate and harmful to the character of this Rural Area and to the overall aims of the policy to restrict non-essential development in the Rural Area.

By virtue of section 88(2) of the National Parks and Access to the Countryside Act 1949, there is a general duty to preserve and enhance the natural beauty of the designated Chilterns Area of Outstanding Natural Beauty. The development plans and Planning Policy Guidance Note No.7 indicate that the design, external appearance and location of any new development in such areas will be subject to special scrutiny to ensure that it fits properly into its surroundings and that the environmental effects of new development should be a major consideration. The use of the site for retail and industrial purposes the subject of this Notice in an area of open countryside on the edge of a hamlet within the designated Chilterns' Area of Outstanding Natural Beauty, by reason of:-

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(b) the increased use of narrow and twisting lanes sub-standard in width to accommodate the needs of commercial traffic generated by the uses with consequent detrimental effects on highway safety, is inappropriate in the locality.

The Council, as local planning authority, considers therefore that the advice in Planning Policy Guidance Note No.7 to the effect that even in open countryside, the re-use of redundant buildings should not be rejected is outweighed by the reasons set out above.



DEPARTMENT OF THE ENVIRONMENT

Room 1120(6)

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218

Switchboard 0272-218811

GTN 1374

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.					Ack.	
C.P.O.	T.C.P.M.	D.P.	D.C.	D.C.	Admin.	File
Received					20 NOV 1991	
Comments						
Your reference						

CHIEF PLANNING OFFICER
DACORUM BOROUGH COUNCIL
CIVIC CENTRE
MARLOWES
HEMEL HEMPSTEAD
HERTS HP1 1HH

Our reference

APP/C1911A1910/680239-
680243

Date

19 NOV 91

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 174

TOWN AND COUNTRY PLANNING (ENFORCEMENT NOTICES AND APPEALS) REGULATIONS 1981

APPEAL(S) BY R Alice, M. McGuire, R Young, N. Baxter + S. Pearce
LAND AT units 1-4, Longford Farm, St Margarets, at Goddardsden

1. I enclose a copy of an appeal to the Secretary of State, under section 174 of the Act, against an enforcement notice issued by your Council for this land, and the Department's reply.

2. Would you please send to me by 3-12-91 the following documents, and complete and return the attached questionnaire:-

- a true copy of the enforcement notice (including the statement of reasons why the Council considered it expedient to issue the notice), and a list of the names and addresses of all the persons on whom a copy was served under section 172(6) of the Act. If more than one notice has been issued in respect of the appeal site, please attach a copy of each notice.
- if a plan was attached to the enforcement notice, a true copy of it endorsed to that effect. (If the original plan was coloured, the copy must be coloured identically.)
- a simple plan or sketch to enable the location to be identified on an Ordnance Survey map, if the plan attached to the notice is not sufficient for this purpose. The OS grid reference, if known, is also requested.

IMPORTANT

3. Your attention is drawn to the fact that, if the information requested in paragraph 2(a) above is not provided by the date indicated in this letter, in accordance with Regulation 8, the Secretary of State has power to quash the enforcement notice in accordance with section 176(3)(b) of the Act.

Yours faithfully

2. The access to the site is by a single track lane. This Council is concerned that the delivery vehicles may lead to problems (bedding delivery vehicles, cars on trailers).
3. Industrial development on this site within an AONB should be strictly controlled. The number of buildings for which change of use is granted should be controlled. The other redundant buildings should then be cleared from the site and there should be control over the type of "industry" permitted. Reference should be made to the access to the site and the effects of the development on the AONB. This Council has no objection to "reasonable" use of redundant buildings appropriate for an AONB and a single track road.

Local Resident

One letter received from a local resident stating that whilst there is no objection to the proposal suggests that the change of use should be on a temporary basis in order to maintain the agricultural nature of the area should farming conditions improve.

CONSIDERATIONS - The applicant has stated that due to the current reduction in demand for poultry the buildings are now redundant and he wishes to use the premises for local businesses. The application site lies in the rural area beyond the Green Belt and in the Area of Outstanding Natural Beauty. In such areas there are strong presumptions against new development in accordance with national policies and the policies of the Structure and District Plans. PPG7 contains recent government advice on new uses for buildings in the countryside. It points out that the re-use of existing buildings can help to reduce pressure for development in rural areas by reducing the need for new buildings, whilst also helping new enterprises and providing new jobs. It is stated that many commercial and other activities can be carried on in rural areas without causing unacceptable disturbance, and that proposals for the re-use of redundant buildings should not be refused unless there are specific and convincing reasons which cannot be overcome by attaching reasonable conditions to a planning permission.

In the present case there is now no evidence to show that the buildings now being used for storage and car repairs were redundant from their previous use as agricultural buildings. There is a difficulty in imposing satisfactory and enforceable conditions especially with respect to the car repairs business. As a possible nuisance, it may be that the current level of operations of the car restoration firm with only a couple of cars being worked on in the building at any one time, may not give rise to unacceptable intrusion and disturbance in this rural area. However, were permission to be granted for the proposed change of use, it would be very difficult to impose enforceable conditions that would effectively prevent a growth in the scale of operations. It is noted that the applicant has stated that a further 3-4 persons may be employed together with the existing staff of 8. It might be considered reasonable to grant a temporary or personal permission, on the basis that the change of

LONGFORD POULTRY FARM, ST.MARGARETS, GREAT GADDESSEN.

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APPENDIX

- Annex A Copy of Committee reports of 14 June 1983 and 21 July 1983 and the Decision Notice ref 4/0462/83.
- B Copy of Committee report of 12 January 1984 and Decision Notice ref 4/1513/83.
- C Copy of Committee report of 29 March 1984 and Decision Notice ref 4/0234/84.
- D Copy of Inspector's decision letter relating to appeal DoE ref T/APP/A1910/A/84/21805/P2.
- E Copy of Enforcement Notice served on 13 August 1990.
- F Copies of relevant policies from Hertfordshire County Structure Plan Review 1986 (CSPR), Dacorum District Plan (DDP) and the Dacorum Borough Local Plan Deposit Draft (DBLP).
- G Copy of statement accompanying application to use the property without complying with the agricultural occupancy condition.
- H Copy of Inspector's decision letter relating to an appeal at "Gatherley" Potten End Hill (DoE ref T/APP/A/87/069259/P3).
- J Copy of Inspector's decision letter relating to an appeal at "Silver Birches", Little Gaddesden (DoE Ref.T/APP/A1910/A/84/022694/P7).
- K Definition of Agriculture in Town and Country Planning Act 1971.

MAPS REFERRED TO:

LPA1 Ordnance Survey Extract
LPA2 Ordnance Survey Extract showing other appeal properties and agricultural workers dwellings.

DOCUMENTS REFERRED TO:

Hertfordshire County Structure Plan Review 1986
Dacorum District Plan
Draft Borough Local Plan Deposit Draft
Development Control Policy Note No. 4.
Planning Policy Guidance Note No.1&7
DoE Circulars 24/73 Agricultural Dwellings., 16/87
Development Involving Agricultural Land, 1/85 Use of
Conditions in Planning Permission, 22/80 Development
Control - Policy and Practice.