

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Messrs. G. & E. V. Hurst,
 Nettleden Farm,
 HEMEL HEMPSTEAD,
 Herts.

Mr. P. J. Fountaine,
 27 Castle Street,
 BERKHAMSTED,
 Herts.

..... Mobile Home

at Land off Roman Road, Nettleden Farm, Nettleden.

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 28th September, 1978, and received with sufficient particulars on 10th 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 within the Chilterns Area of Outstanding Natural Beauty 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 - no justification has been proven to warrant departure from this principle.

Dated 16th day of November, 19 78.

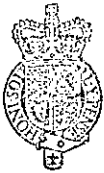
Signed

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/89/13.6



Department of the Environment

Room 319

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 875

Switchboard 0272-218311

F J Fountaine Esq
27 Castle Street
BEEKHAMSTEAD
Herts
HP4 2DW

Your reference

Our reference

T/APP/5252/A/78/11334/G?

Date

28 JUN 1979

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY G AND E V HURST
APPLICATION NO:- 4/1343/78

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 the stationing of a mobile home on land off Roman Road, Nettleden Farm, Nettleden. I held a local inquiry into the appeal on 5 June 1979.

2. The appeal site is a spinney located atop a spur of land between the settlements of Frithsden and Nettleden. It adjoins the western side of a collection of farm buildings one of which is a recently constructed lairage. The area is predominantly open rolling well wooded countryside. The site is within the Chilterns Area of Outstanding Natural Beauty on the approved County Development Plan.

3. The main arguments advanced on behalf of your clients were that they have farmed in the area since the 1950s, gradually increasing the size of their holding until, owing to ill health and a need to make the business financially sound, they disposed of a large portion of their farm in the early 1970s. They now have a commercial beef herd comprising about 60 cows and heifers and a pedigree Aberdeen Angus herd of 20 cows. A pedigree Aberdeen Angus bull is used on both herds. In order to fully realise the potential of the pedigree herd, it is necessary to employ an experienced specialist herdsman. This worker would have to reside close to the lairage to enable him to discharge his functions effectively. His duties would include the early selection of calves for showing and their special feeding and general preparation. Your principal client's unfortunate disability restricts his involvement to management and administrative matters. He, his wife and a domestic factotum occupy the farmhouse at Nettleden. It is not large enough for subdivision and there are no other dwellings attached to the farm or available locally. A full time profit sharing partner who does all the manual work on the farm, including looking after the commercial herd, lives at Little Gaddesden about 2 or 3 miles away. Additional residential accommodation is, therefore, essential and it was your view that the council had not sufficiently investigated the agricultural need for the proposal before deciding the matter.

4. I have noted the various comments made by both the council and interested persons on the previous history of your clients' agricultural enterprise, but I am of the

TECHNICAL SERVICES L.F.T.	
PLANNING SECTION	
4 JUL 1979	
FILE No.	

opinion that the application must be considered in the light of present circumstances rather than what might have been done in the past to retain dwellings when other parts of the farm were disposed of. Accordingly, I have decided that the key issues in this case are the impact that the proposal would have on the area and whether a sufficient reason has been advanced to overcome the planning objections to residential development within an Area of Outstanding Natural Beauty.

5. On the first issue, there is a general presumption against new development in the countryside, particularly those designated as Areas of Outstanding Natural Beauty, unless required for agricultural or other special local needs and this policy is embodied in the submitted structure plan. Even then the indiscriminate siting of residences cannot be justified. Insofar as the appeal site is concerned, I accept that it is partially screened by the spinney, the value of this, however, varies seasonally. Similarly I accept that it is not readily visible from the immediate road network. Nevertheless, I consider that the site occupies an isolated and prominent position on high ground which can be seen from many points in the surrounding countryside, particularly the public footpaths which pass near to it. Although it is related to the adjoining buildings, I consider that the proposal and the domestic activity generated by it would have a harmful effect on the rural appearance of the area to a degree which I regard as unacceptable.

6. On the second issue, the evidence presented and the appraisal by the Ministry of Agriculture, Fisheries and Food satisfied me that with the present development of the farm and the proposed changes, which I accept as bona fide intentions, a full time specialist to tend the pedigree herd is justified. While I accept that he needs to live in close proximity to where the cattle are kept to deal with emergencies as they arise, particularly during calving, I am not convinced of the necessity for him to reside adjacent to the lairage. In my view his duties could be carried out equally well and without serious inconvenience from elsewhere within a radius of roughly 0.5 mile.

7. For this reason and because of the amenity objections I have referred to, I do not regard the site as suitable for the proposed development. I have not considered any alternative sites since they do not form part of the application before me. However, in passing I would just observe that my objections would not be so strong if the proposed mobile home could be sited inconspicuously in relation to one of the nearby settlements. My decision in this case, therefore, does not preclude a further application on this basis, but this of course would be a matter for the local planning authority in the first instance.

8. I have taken into account all the other matters raised, including your client's undoubted contribution and evident interest in the enhancement of the rural environment of the locality, his understandable desire to make his herd one of the foremost, the problems of vandalism, the provisions of Development Control Policy Note No 4 and Circular 24/73, Annex A and the temporary consent for a caravan on land which your clients previously owned, but 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 Sir
Your obedient Servant

A. W. Machin

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Inspector