

B/36/JL/P

PLANNING INSPECTORATE

## DEPARTMENT OF THE ENVIRONMENT

Room 1404

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

CHIEF EXECUTIVE  
OFFICER

19 MAY 1989

Direct Line 0272-218  
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GTN 2074

File no. 927

Ref to

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Your reference

Pickworths  
Solicitors  
37 Marlowes  
HEMEL HEMPSTEAD  
Herts HP1 1LQ

DSF/MLC/Foskett			
Dacorum Borough Council			
T/APP/A1910/A/88/109253/P4A			
Ref	Date	Admin.	
C.P.O.	T.C.P.M.	18 MAY 89	
Received 19 MAY 1989			
Comments			

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR G B FOSKETT  
APPLICATION NO: 4/1454/88

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for one dwelling house at Stoney Lane Nurseries, Stoney Lane, Chipperfield. I have considered the written representations made by you, by the Council and also those made by Chipperfield Parish Council and interested persons. I inspected the site on 12 April 1989.

2. The nurseries occupy an area of about 1.3 ha and included are a number of glasshouses, tunnels and storage sheds. There is an existing bungalow with frontage to Stoney Lane which is occupied by the appellant with his aged mother living in an adjoining extension. Stoney Lane is an unadopted track which is also a bridleway; it serves the nurseries, a few houses and agricultural operations. The appeal proposal is for the erection of a further dwelling on the nurseries site to be occupied by a son of the appellant, Mr S Foskett, who works full-time in the nurseries business.

3. From my study of the representations and my inspection of the site and its surroundings I am of the opinion that the main issues in this case are whether there is an agricultural need for an additional dwelling on the holding which would enable the proposal to be accepted as in accord with policy for control of development in a Green Belt and, if not, whether there are circumstances of sufficient importance to justify allowing the proposal as an exception.

4. The Council give the planning history of the nurseries site and state that relevant policies are policies 1 and 51 of the Hertfordshire County Structure Plan (1986 Review) and policies 1, 9, 18, 19, 25 and 26 of the adopted Dacorum District Plan. The Council consider that the argument for the provision of an additional dwelling on the holding is largely based on the personal circumstances of the appellant rather than the needs of the enterprise. It is accepted that Mr Foskett senior is suffering personal hardship through ill health but Government advice (as contained in the annex to DOE Circular 24/73) states that purely personal matters do not affect agricultural needs. It is considered that the existing dwelling already provides sufficient accommodation for the agricultural needs of the nurseries including any expansion plan for further glasshouses.

5. In assessing whether there is an agricultural need for an additional dwelling on the holding the first consideration is the viability of the enterprise. I



accept from the evidence that viability, as defined in the Annex to DOE Circular 24/73, is not in doubt. The Land Management Adviser ADAS has carried out a detailed appraisal of the enterprise and expansion plans and has come to the conclusion that it is essential that a second dwelling be provided for management and security reasons. The Council do not challenge any of the information on which this expert opinion is based and I therefore accord it considerable weight. From my assessment of the evidence and my observations on my site visit I accept that for with up to £100,000 worth of plants on site there is a need for close monitoring of heating and ventilation; for this reason and on account of the necessity to give security cover in this vulnerable location I think there is a need for a second agricultural worker to live on the site. An additional factor in favour is that allowing this proposal would result in the release of capital to facilitate expansion and the provision of additional jobs - a desirable objective in the interests of maintaining the economy of a rural area. I also give limited weight to the advantage to the appellant and his aged mother of being able to continue living in the existing dwelling on the holding.

6. As a dwelling on this site in Green Belt would not have been allowed but for the acceptance of an agricultural need I deem it appropriate to impose an agricultural occupancy condition.

7. I have taken account of the evidence relating to traffic on Stoney Lane and am not convinced that the traffic from one additional dwelling would have noticeable effect on road safety or the stability of buildings. Allowing this appeal does however assume a consequential expansion of operations on the holding and I recommend that the necessity for a weight restriction on Stoney Lane be considered when application is made for planning permission for additional glasshouses.

8. I have also taken into account all the other matters raised in the representations but consider they are not of sufficient importance to affect my decision. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant outline planning permission for one dwellinghouse at Stoney Lane Nurseries, Stoney Lane, Chipperfield in accordance with the terms of the application No 4/1454/88 dated 27 July 1988 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority;

- b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;

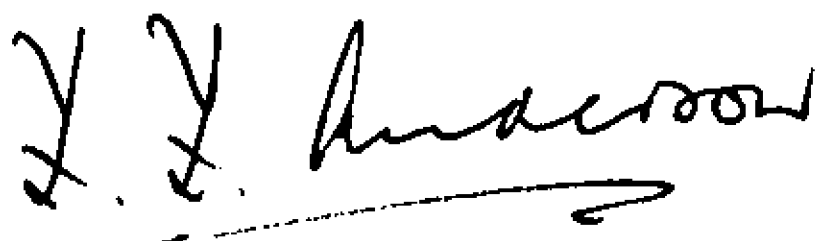
2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

3. the occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290 of the Town and Country Planning Act 1971, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

9. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail

to give notice of their decision within the prescribed period. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

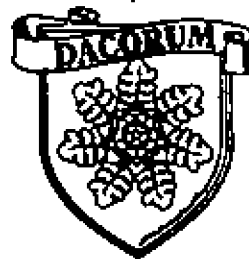
I am Gentlemen  
Your obedient Servant



F F ANDERSON MBIM  
Inspector

EXHIBIT  
DOCUMENT STAMPED  
TO ENSURE DETECTION  
BY SCANNER

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To Mr G B Foskett  
Solong, Stoney Lane  
Chipperfield  
Herts

Pickworths  
37 Harlowes  
Kemel Hempstead  
Herts

Detached dwelling (Outline)

at Stoney Lane Nurseries, Stoney Lane, Chipperfield

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 **27 July 1988** and received with sufficient particulars on **1 August 1988** 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 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.

Dated 29 day of September 1988

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.