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OFFICER

31 JUL 1987

File No.

Refer to 80.317

Circled

Messrs Brown & Merry
41 High Street
TRING
Hertfordshire
HP23 5AB

JMB
2/88
3/88

(113)

Your reference

PLANNING DEPARTMENT

Our reference DACORUM DISTRICT COUNCIL

T/APP/A1910/A/87/066226/P4

Ref.

Date

C.P.O.

D.P.

30 JUL 87

Act.

Admin.

File

Received

31 JUL 1987

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 SECTION 36 AND SCHEDULE 9
APPEAL BY MR CLIFFORD SELLY
APPLICATION NO: 4/1472/86

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for erection of one agricultural dwelling at OS Field 29 (pt) Wigginton, Nr Tring, Hertfordshire. I have considered the written representations made by you and by the council and also those made by the Wigginton Parish Council. I inspected the site on 6 July 1987.

2. The appeal site is situated within the approved Metropolitan Green Belt where the restrictive development policies of the approved Hertfordshire County Structure Plan and adopted Dacorum District Plan apply. These policies generally restrict new development to that required for agricultural or allied purposes. These restrictive policies are reinforced particularly so far as design and siting of new buildings are concerned by the fact that the appeal site is also within the Chilterns Area of Outstanding Natural Beauty. Before new dwellings can be permitted the supported enterprise must be viable and there must be a need expressed in agricultural terms for a dwelling. Particularly having regard to the advice contained in Circular 14/85 - Development and Employment, these policies represent interests of acknowledged importance.

3. From my inspection of the site and its surroundings and having read the representations I have concluded that the principal issues are whether the enterprise for which the dwelling is required is viable and whether the dwelling is necessary.

4. The appeal site is situated in the southern corner of a field on the east side of The Twist, a little north of Park Farm and about 400 m from Wigginton village centre. From the representations I have learnt that the appeal site forms part of a farm of 142 ha of land bisected by the A41(M) motorway such that 60 ha including the appeal site is to the south and the remainder to the north; the farm boundaries are not delineated on the submitted plans. The only building on the land is a 250 tonne grain store situated on the northern section. I observed from my inspection that the boundaries of the appeal site are not defined other than for hedges to the south and west road and field boundaries respectively. The site forms part of a field from which a crop of silage appeared to have been taken recently.

5. I have learnt from the representations that the severed southern area of land is unsuitable for growing cereals although this has been tried on half the land in recent years. The other half of the land consists of steep banks and cannot be cultivated; it has been let on grazing arrangements to other farmers. Your client wishes to establish a flock of 500 breeding ewes which is a traditional form of

farming in the Chiltern Hills. He will take the grazing land in hand and sow down to grass the area previously under cereals. An appraisal of the appellant's farming activities has been made by the Senior Surveyor (Land and Water Services) at the Hertford office of the Ministry of Agriculture, Fisheries and Food. In his letters of the 12 May and 19 December 1986 he mentioned that the appellant is an established farmer and that his proposals are sound. From the representations I have been told of the appellant's considerable experience of sheep farming over many years. I accept that your client is capable of assessing the likely success of his proposals and the financial and agricultural implications involved. The representations of MAFF also stated that the holding is now viable but that the grass banks are under utilised. I judge from the representations therefore that although there can be no guarantee that your client's proposals will be successful, that is likely to be the case.

6. In his letters mentioned earlier the representative of MAFF pointed out that it will be essential for a shepherd to be employed and for him to be resident on or immediately adjacent to the holding in the interests of both stock welfare and security. The Council has questioned whether this means that the shepherd could be resident in the nearby village of Wigginton. I do not know whether suitable accommodation is available in Wigginton but from my own knowledge, I am aware that sheep need to be more closely supervised than other farm animals and that supervision is particularly important at lambing time. Reference has been made in the representations to the itinerant caravan dwellers in the neighbourhood and I have observed their vehicles close to the motorway about 400 m from the appeal site both at the time of inspection and when passing by on previous occasions. Having seen some of their activities and the graffiti on farm buildings in the neighbourhood, I accept that they can appear a risk to security. Sheep are also likely to be easier to harm or steal than larger farm animals. For these reasons I have interpreted the advice from MAFF literally.

7. It follows from what I have already said that I am satisfied that your client's proposals are likely to be viable and that living accommodation is necessary. However, because the enterprise has not been put in hand the Council has judged your application to be premature and has suggested that accommodation be provided in a caravan until viability has been proved. Because of the strict policies against development in the area such a suggestion has considerable attractions particularly when dwellings which might have been suitable have been disposed of elsewhere. However, I recognise that farming methods and practices are continually developing and changing as a result of economic influences and that only with hindsight can one assess whether accommodation which is not required will be needed in the future. From my own knowledge I am aware that good stock persons particularly shepherds are difficult to find and that one needs to offer the benefits of permanent, and frequently family, accommodation. I have already referred to the matter of security and consider that this can better be achieved from a permanent dwelling than from a mobile home or caravan. Taking all considerations into account I have decided that your client's proposals should not be hindered from the outset by the absence of suitable accommodation.

8. I have noted that the Council has not objected to the proposed siting of the dwelling and in his report to the Planning Committee, the Chief Planning Officer stated that the location of the dwelling is well placed to serve the southern section of the farm. From my inspection I observed that the appeal site is relatively protected from view other than from The Ridgeway Path and although construction of the access will open up the existing hedge, I am of the opinion that careful design and siting will avoid any conflict with the rural character of the area.

9. I have given careful consideration to all the other matters raised in the representations including those from the Wigginton Parish Council but have not found any so cogent as to outweigh the considerations which have led me to these conclusions.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant Outline planning permission for the erection of one agricultural dwelling at OS Field 29 (pt), Wigginton, Nr Tring, in accordance with the terms of the application No: 4/1472/86 (undated) 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 referred to as '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 not later than 3 years from the date of this letter.

2. The development hereby permitted shall be begun on or before whichever is the later of the following dates:

a. 5 years from the date of this letter or,

b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

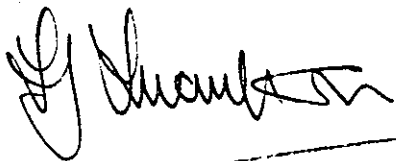
3. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290 of the Town and Country Planning Act 1971, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower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

4. The development shall not be brought into use until a properly consolidated and surfaced turning space for private cars and servicing vehicles has been provided within the curtilage of the site to the satisfaction of the local planning authority.

11. Attention is drawn to the fact that 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 approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

12. 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 J THOMPSON BSc FRICS FRVA
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr Clifford Selly
c/o Brown and Merry
41 High Street
Tring

..... Agricultural Workers' Dwelling (Outline)
.....
at OS Field 29, The Twist, Wigginton
.....

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 undated and received with sufficient particulars on 20. October 1986 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 or extension of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. Insufficient justification has been submitted to show that the proposed development is acceptable within the terms of this policy.

Dated 15 day of January 19 87

Signed.....

W. B. B. B. B.

SEE NOTES OVERLEAF

P/D. 15

Chief Planning Officer

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.