



Planning Inspectorate
Department of the Environment
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GTN 1374

1) ~~Am~~
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Architect Design Associates
Woodcote
Gate End
NORTHWOOD
Middlesex
HA6 3QG

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL					
Ack.			Your reference		
CRC	TOPP	P2	P	Adm.	File
Received 25 OCT 91			Date 24 OCT 91		
Comments					

Our reference
T/APP/A1910/ A/91/180284/P8

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MARTIN ANTHONY HUNT AND SHIRLEY ANN HUNT
APPLICATION NO:- 4/1358/90

1. 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 the use of land at Crossways Farm, Nettleden Road, Nettleden for occasional parking spaces for up to 2 unloaded lorries. As the use has already been instituted, I am treating this appeal as an application to continue the use under Section 63(2)(a) of the above Act. I have considered the written representations made by you and by the Council and also those made by the Nettleden with Potten End Parish Council. I have also considered those representations made directly by an interested person to the Council which have been forwarded to me. I inspected the site on 1 October 1991.

2. From the representations made and from my inspection of the site and its surroundings, I have come to the conclusion that the main issues to be decided in this appeal are whether there are very special circumstances sufficient to justify the development as an exception to policies relating to the Green Belt within the Chilterns Area of Outstanding Natural Beauty and secondly, whether the proposal causes harm to highway safety.

3. The appeal site is situated on the south east side of Nettleden Road and together with the dwelling to the south west lies in a valley within attractive open, rolling countryside comprising low lying hills with pasture or cultivated land on the lower slopes and belts of trees capping the higher ground. The site area is given as .28ha but this is only part of the land which has been outlined in red on the submitted plan. The site as a whole is occupied by a dwelling house, 2 Nissen Huts and various outbuildings and sheds together with 2 barns, one of which is the subject of a concurrent application. The Council informs me that the Nissen Huts date back to the last World War and that the larger Hut has an established use for industrial storage. I understand that permission was granted in 1988 for the use of the smaller Nissen Hut for light industrial purposes and the use of the outbuildings as offices. This permission specifically limited the use by condition to shop fitting fabrication only and it appears that storage takes up most of the buildings as much of the assembly takes place elsewhere. The rest of the site, apart from a grassed area near the house, is rough surfaced.

4. The Council states that at the end of 1989 it became aware of the use of Crossways Farm for the storage/parking of lorries and scrap vehicles in connection with the appellants' business. In May 1990 enforcement action was authorised to secure the cessation of the use of the land in connection with a scrap metal business and also to secure the removal of a 4m fence along the north east boundary. The appeal relates to the continuation of the use of land close to the road frontage next to some diesel tanks to park 2 unloaded lorries. The lorries are used in connection with the appellants' car breaking and scrap metal business carried on at Cupid Green, Hemel Hempstead where a yard is rented from the Council.

5. The appeal site lies within the Metropolitan Green Belt and within the Chilterns Area of Outstanding Natural Beauty. Policy contained in the approved Hertfordshire Structure Plan sets out that within the Green Belt permission will not be given for development for purposes other than that required for mineral extraction, agriculture, small-scale facilities for participatory sport and recreation or other uses appropriate for a rural area. Policy contained in the adopted Dacorum District Plan closely follows that in the Structure Plan. In relation to the Chilterns Area of Outstanding Natural Beauty both the Structure Plan and the Local Plan affirm that the preservation of the beauty of the area will be the prime consideration.

6. The Government remains committed to upholding Green Belt policy and I have had regard to Planning Policy Guidance Note 2 which states that there is a general presumption against inappropriate development except in very special circumstances. The parking of 2 lorries in connection with the appellants' business does not fall within any of the categories described in the Structure Plan or Local Plan as acceptable within the Green Belt and I therefore conclude that such use is inappropriate.

7. I understand that your clients need the space to park the lorries occasionally and, according to Mr Hunt's letter, overnight. Mr Hunt states that parking facilities have not been available at the yard in Hemel Hempstead for about 5 years, that lorries have been parked overnight on the appeal site for the last 5 years and that he was unaware of the need for planning permission. The Council responds that the tenancy agreement requires that lorries used in connection with the business should be parked within the Cupid Green site boundaries. The Council further adds that there is an adequate supply of land for industrial purposes within Hemel Hempstead for the appellants to locate their business. I do not consider that the appellants' need to park lorries on the appeal site constitutes the very special circumstances sufficient to justify an inappropriate form of development.

8. It remains to address the question of harm. You assert that the lorries cannot be seen from the road and Mr Hunt, in his letter, states that they cannot be seen from the adjoining property. The hedges along the frontage are high and there is a line of birch trees with some post and wire fencing along the boundary with the adjoining house to the south west. In my opinion the planting along the south west boundary is not sufficient to block the views across the appeal site and I consider that in winter the screening along the frontage will be less effective. The site can also be clearly seen from the higher ground to the east and south east. I have taken account of photographs of the site taken in 1990 which were submitted by the Council and show the use in operation with lorries laden with scrap vehicles. I accept that the proposal refers specifically to unloaded lorries but it seems to me that if consent were to be granted, it would be difficult to monitor the use and control it by enforceable conditions. For these reasons I consider that the proposal is an unacceptable and harmful visual intrusion into this sensitive area.

9. I am also concerned that a consent in this case might well encourage similar applications elsewhere or for the further extension of an inappropriate use on this site if not by the appellants then by future occupiers of the property. In my opinion such applications would be difficult to resist. I consider that a further intensification of such use on this site would be seriously harmful to the visual amenities of the Green Belt and to the attractive character of the Chilterns Area of Outstanding Natural Beauty.

10. The second issue relates to the objection raised by the County Surveyor to the use of lanes in the vicinity of the appeal site by the type of vehicles generated by the proposal. Nettleden Road is narrow with hedges on either side and no footpaths. When leaving the site visibility is poor and is limited to the right by a bend in the road just to the north east of the appeal site. In my opinion, because of its nature, the road is already hazardous for traffic. Although farm vehicles use the road, I consider that the coming and going of lorries associated with the appellants' business adds to these dangers and I conclude that the continuation of the use would be likely to give rise to conditions harmful to highway safety.

11. I have taken account of your assertion that your clients have improved the site and buildings since the property was acquired and are extending the agricultural side of the property but neither these considerations nor any other matter raised in the written representations are sufficient to alter the balance of my conclusions.

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

I am Gentlemen
Your obedient Servant

M. A. Frith

M A FRITH BA DipTP MRTPI
Inspector



Planning Inspectorate

Department of the Environment

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					T/APP/A1910/A/91/180283/P8
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25 OCT 91				24 OCT 91	
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Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MARTIN ANTHONY HUNT
APPLICATION NO:- 4/1501/90

1. 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 the erection of a barn to provide winter shelter for cattle and cover for feed etc on land adjoining Crossways Farm, Nettleden Road, Nettleden. As the building has been constructed, I am treating this appeal as an application for its retention under Section 63(2)(a) of the above Act. I have considered the written representations made by you and by the Council and also those made by the Nettleden with Potten End Parish Council, the Nettleden, Frithsden and District Society and an interested person. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me. I inspected the site on 1 October 1991.

2. From the representations made and from my inspection of the site and its surroundings, I have come to the conclusion that the main issues to be decided in this appeal are whether there are very special circumstances sufficient to justify the development as an exception to policies relating to the Green Belt and whether the development would have a harmful effect on the character and appearance of the Chilterns Area of Outstanding Natural Beauty.

3. The appeal site is situated on the south east side of Nettleden Road and together with a dwelling to the south west lies in a valley within attractive, open rolling countryside comprising low lying hills with pasture or cultivated land on the lower slopes and belts of trees capping the higher ground. The site comes within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty. The site area is given as .48ha but this is only part of the land which has been outlined in red on the submitted plan. The site as a whole is occupied by a dwellinghouse, 2 Nissen Huts and various outbuildings and sheds together with 2 barns, one of which is the subject of this appeal. The Council informs me that the Nissen Huts date back to the last World War and that the larger Hut has an established use for industrial storage. I understand that permission was granted in 1988 for the use of the smaller Nissen Hut for light industrial purposes and the use of the outbuildings as offices. This permission specifically limited the use by condition to shop fitting fabrication only and it appears that storage takes up most of the buildings as much as the assembly takes place elsewhere.

4. The Council states that at the end of 1989 it became aware of the use of Crossways Farm for the storage/parking of lorries and scrap vehicles in connection with the appellant's business. In May 1990 enforcement action was authorised to secure the cessation of the use of the land in connection with a scrap metal business and also to secure the removal of a 4m fence along the north east boundary. Following the erection of the barn, which is the subject of this appeal, in summer 1990, enforcement action was authorised in November 1990 to secure its removal.

5. This appeal relates to an application for the retention of the barn which has been erected close to the road frontage and adjacent to the access to the site.

6. You contend that the site has agricultural use and your client asserts that apart from the light industrial use and the house, the remainder is agricultural. You state that the barn was erected as a replacement for one which collapsed and that you believe the structure to represent permitted development. It appears that the appeal site originally formed part of an agricultural unit of 180 acres of land surrounding Crossways Farm. Although the occupation of the house permitted in 1961 was limited to a person permanently engaged in carrying out agricultural operations on the holding, the farm land is now no longer associated with the appeal site and the Certificate attached to the planning application for the barn indicates that none of the land to which the application relates is, or is part of, an agricultural holding.

7. At the time of the site visit, there were 11 calves in the barn in question. I was informed that there were 2 cows in the south western half of the shed located on the south west side of the access and that chickens were kept in a shed on the extreme south west corner of the site. There was also a goat and a small pony on a grassed area near the house. The north east part of the site and buildings along part of the south east boundary of the site are in light industrial/storage/office use. A barn situated near to the Nissen Huts is used for the storage of timber. The rest of the site, apart from the grassed area near the house, is rough surfaced with a number of cars parked near the Nissen Huts and others near the house, two dilapidated cars covered with tarpaulin near the timber storage barn and three others to the east of the Nissen Huts. Apart from the recently erected barn and part of the other shed near the access, there is no evidence of agricultural use and no pasture on the appeal site to support the 22 cattle mentioned in the letter which accompanied the planning application. In my opinion the appeal site cannot be regarded as being agricultural land and I do not consider that it forms an agricultural unit. The keeping of chickens, a goat and a pony is to my mind no more than would be regarded as purposes incidental to the enjoyment of a dwellinghouse. I therefore do not consider that in respect of the appeal site the appellant is entitled to claim permitted development rights by virtue of Article 3 and Schedule 2, Part 6 of the Town and Country Planning General Development Order 1988. In my opinion the development falls to be considered in the light of policies relating to the Green Belt and the Chilterns Area of Outstanding Natural Beauty.

8. Policy contained in the approved Hertfordshire Structure Plan sets out that within the Green Belt permission will not be given for development for purposes other than that required for mineral extraction, agriculture, small-scale facilities for participatory sport and recreation or other uses appropriate to a rural area. The Government remains committed to upholding Green Belt policy and I have had regard to Planning Policy Guidance Note 2 which states that there is a general presumption against inappropriate development except in very special circumstances. In my opinion the erection of a barn on land which is not agricultural does not represent an appropriate form of development in the Green Belt.

9. Your client states in his letter that, as there is no grazing on the appeal site, he rents a 5 acre field for his cattle and needs a winter shelter for them and cover for their feed etc. However, the Council states that no evidence has been given for the location of the rented land and that no evidence has been produced to prove the agricultural need for an agricultural barn on the appeal site. Neither has any evidence of commercial viability been submitted in respect of your client's enterprise although I recognise that it is not the sole means of support for your client who has a scrap metal business. For these reasons it seems to me that the barn is only justifiable on the basis of your client's present small-scale enterprise on the rented land and that the building is not related to the needs of the appeal site. I do not consider that your client's keeping of cattle is a sufficiently secure undertaking to justify a permanent building on this site and on this account, I consider that there is a possibility that your client's intentions with regard to keeping cattle may change or that a future owner may have no similar aspirations. In these circumstances the building would become redundant for the purposes for which it was originally intended. I therefore do not consider that the need for a barn on the appeal site constitutes the very special circumstances sufficient to justify an inappropriate form of development in the Green Belt.

10. On the question of harm, I have had regard to Policy 2 of the Hertfordshire Structure Plan which states that the preservation of the beauty of the Chilterns Area of Outstanding Natural Beauty will be the prime consideration and to Policy 23 of the adopted Dacorum District Plan which sets out that special attention will be paid to the siting, design and external appearance of such buildings as are permitted, including those required for agricultural purposes. The Council has also drawn my attention to paragraph 22 of Planning Policy Guidance Note 7 relating to the need to subject to scrutiny the design, external appearance and location of any new development in Areas of Outstanding Natural Beauty. In this respect I note from the Local Plan Review that Article 4 Directions have been made on land in the vicinity with the aim of maintaining the landscape quality and controlling inappropriate permitted development. The barn is over 5m at its highest point, about 13.7m wide and under 9m deep. It is open on its longest side facing south east and is block-built at the lower level with corrugated metal flank walls above and a corrugated roof. The lower part of the flank wall adjoining the access is faced with stock bricks. When viewed from the higher land to the east and south east where there is a footpath leading over towards Potten End, the barn is prominent and because of its height and the materials used, I consider that it causes harm to the character and appearance of the Chiltern Area of Outstanding Natural Beauty and the Green Belt. I recognise that the Nissen Huts on the appeal site do not enhance the appearance of the area but I do not consider that they are a justification for further injury to the visual amenities of the area. I therefore conclude that the proposal is unacceptable.

11. I have taken account of your assertion that your client is trying to improve the whole of the site and that a marked improvement has been made since his acquisition but neither this nor any other matter raised in the written representations is sufficient to outweigh the considerations leading to my decision.

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

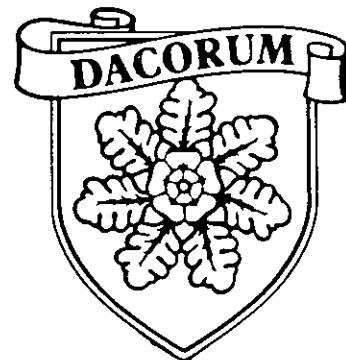
I am Gentlemen
Your obedient Servant

M.A. Frith

M A FRITH BA DipTP MRTPI
Inspector

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref. No. 4/1501/90

M A Hunt
Crossways Farm
Nettleden Road
Nettleden
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

Adj. Crossways Farm, Nettleden Rd. Little Gaddesden

BARN

Your application for *full planning permission* dated 17.09.1990 and received on 22.10.1990 has been **REFUSED**, for the reasons set out on the attached sheet(s).

A handwritten signature in black ink, appearing to read 'John Barker', is written over a circular stamp.

Director of Planning.

Date of Decision: 29.11.1990

(encs. Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/1501/90

Date of Decision: 29.11.1990



1. 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.
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.

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

DACORUM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

Operational Development

LAND AT CROSSWAYS FARM NETTLEDEN ROAD
NETTLEDEN 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 within the period of 4 years before the date of issue of this Notice 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 the building, engineering, mining or other operations 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 six 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 11th October 1991.

SCHEDULE 1

LAND OR PREMISES TO WHICH THIS NOTICE RELATES:

Land at Crossways Farm Nettleden Road Nettleden Hertfordshire shown edged red and part of which is coloured green on the attached plan.

SCHEDULE 2

ALLEGED BREACH OF PLANNING CONTROL:

The erection of a building which is coloured green on the plan annexed hereto

SCHEDULE 3

STEPS REQUIRED TO BE TAKEN:

The removal of the said building

Issued 30th August 1991

Council's address:

Civic Centre
Marlowes
Hemel Hempstead
Herts HP1 1HH

(signed) Keith M. Pugsley
(Designation) DIRECTOR OF LAW AND
ADMINISTRATION
(The Officer appointed for this purpose)

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:

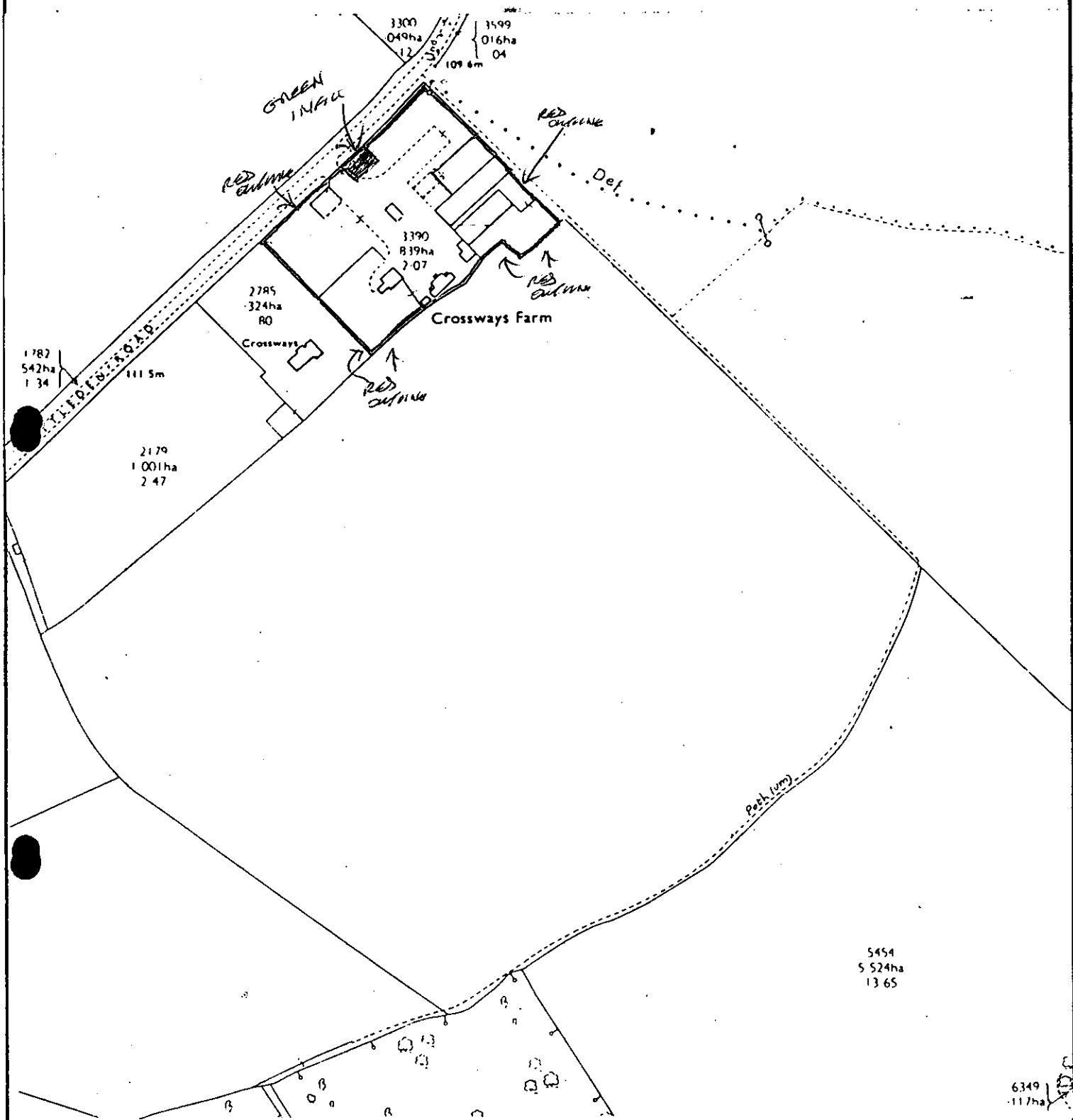
The site is located within the Metropolitan Green Belt and the designated Chilterns Area of Outstanding Natural Beauty as shown in the development plans for the area i.e. diagrammatically in the Approved County Structure Plan 1986 Review (1988) and in detail in the Proposals Map of the adopted Dacorum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

Within the green belt, there is a general presumption against inappropriate development as expressed in the development plans and in Department of Environment Planning Policy Guidance Note No. 2 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 development, the subject of this Notice, the development is 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 green belt.

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 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 development, the subject of this Notice is, by reason of its size, prominent siting and use of inappropriate materials, detrimental to the appearance of the locality and harmful to the overall character of the area and aims of strategic and local policies.

CROSSWAYS FARM, NETLEDEN ROAD, NETLEDEN.



PLAN REFERRED TO IN ENFORCEMENT NOTICE DATED

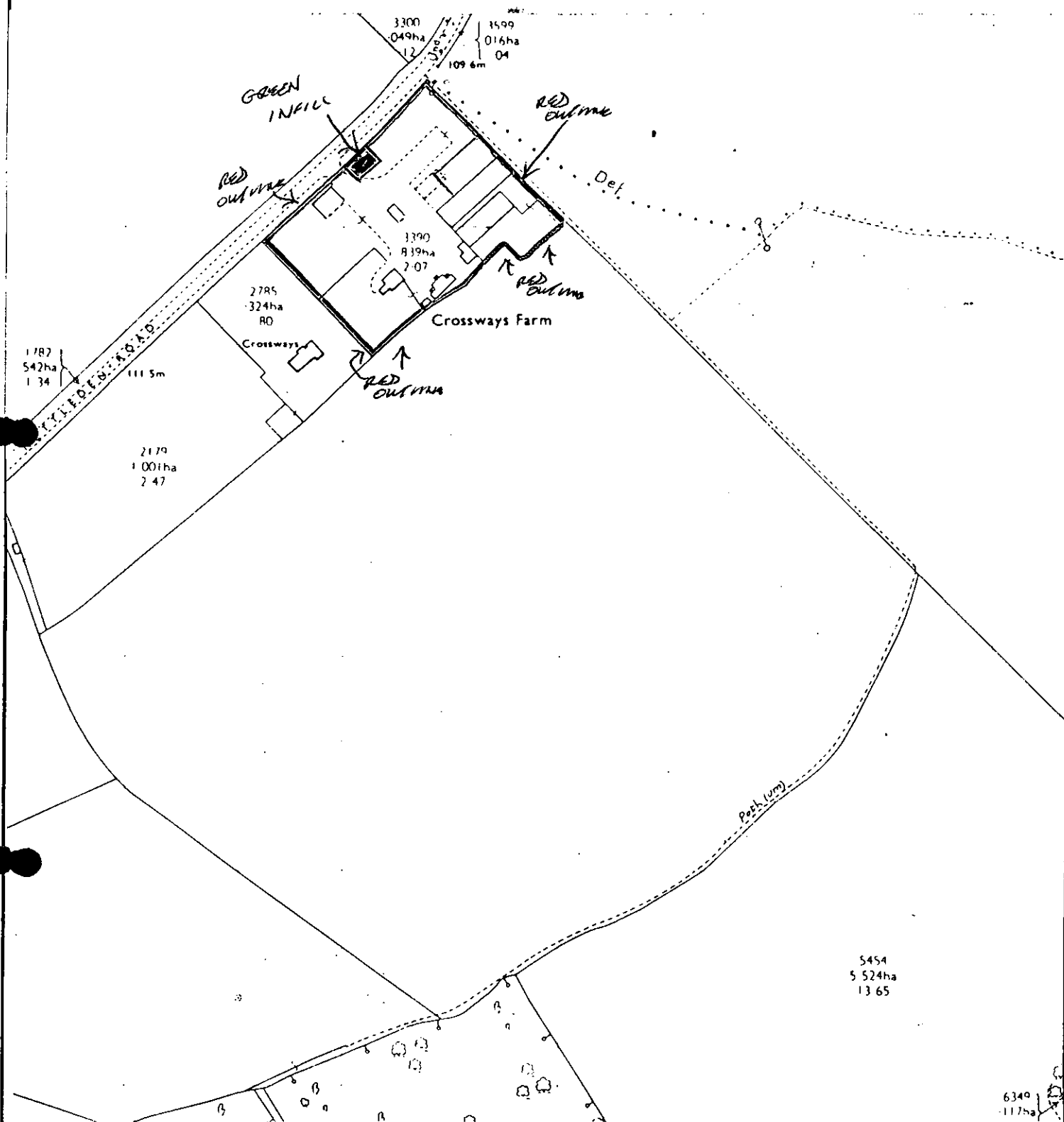
SCALE : 1:2500

APPLICATION No.

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

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CROSSWAYS FARM, NETLEDEN ROAD, NETLEDEN.



PLAN REFERRED TO IN ENFORCEMENT NOTICE DATED

SCALE:
APPLICATION No.

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

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