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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.						
DoP	T.C.P.M.	D.P.	D.C.	D.O.		
Received		-7 APR 1992				
Comments						

Your Reference

DSF/RKW/PIKE

Our Reference

T/APP/C/91/A1910/680239/P6

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Council Reference

4/1458/91EN-4/1461/91/EN

Date

6 APR 92

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991

APPEALS BY MESSRS R PIKE, M MCGUIRE, R YOUNG, N BAXTER AND S PEARCE
LAND AND BUILDINGS AT LONGFORD FARM, ST MARGARETS, GREAT GADDESSEN,
HERTS

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the enforcement notice issued by the Dacorum Borough Council concerning the above mentioned land and buildings. I have considered the written representations made by you and by the Council and those made by interested persons. I inspected the site on 19 February 1992.

2. a. The date of the notice is 23 September 1991.

b. The breach of planning control alleged in the notice is the making of a material change in the use of land and buildings, namely:

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.

c. The requirements of the notice are the cessation of all the uses together with the removal of all equipment appertaining thereto so that the use reverts to agricultural use.

d. The period for compliance with the notice is 12 months.

3. The appeals are proceeding on grounds (a) and (b) as set out at Section 174(2) of the 1990 Act prior to its amendment by the 1991 Act, that is to say, that planning permission ought to be granted for the development to which the notice relates (ground a), that the matters alleged in the notice do not constitute a breach of planning control (ground b).

4. I noted on my visit that the buildings identified as Units 1 to 4 on the plan accompanying the notice were not used precisely as described in Schedule 2. Only part of each of Units 1 and 2 were being used for the purposes so described, and part for agricultural storage. Additionally, as the lawful use of the buildings is for agricultural purposes, I consider it is beyond the powers of the notice to require their reversion to agricultural use in Schedule 3. I consider it is within my powers to correct the notice in respect of these errors and that this can be done without causing injustice to the parties.

5. Longford Poultry Farm adjoins the south-eastern edge of the hamlet of St Margarets, about 400 m west of the village of Great Gaddesden. It is situated within a rural area beyond the Metropolitan Green Belt and within the Chilterns Area of Outstanding Natural Beauty. The site is located in open countryside generally in agricultural use. The farm occupies about 2.27 ha on which there are some 15 buildings.

6. Access to the site is taken from a single track metalled road via a concrete road. Six pairs of galvanised corrugated steel sheds are situated to the south of the access road, opposite a range of timber framed buildings clad in timber or prefabricated cement panels. The pairs of corrugated steel sheds are raised on concrete block piers and were used to provide a controlled environment for egg production. The site is divided by the access road with the former poultry houses to the south and buildings housing an extensive variety of animals and birds, a farm shop, the farmhouse and paddocks to the north and west.

7. Looking first at the appeals under ground (b), I consider that the planning unit is the whole of Longford Poultry Farm. The notice goes to an alleged material change in the use of the unit from agricultural purposes to a mixed use as agricultural and industrial, retail and storage uses. I consider that the industrial and retail uses and their associated storage elements are not for any of the

purposes of agriculture as defined in Section 336 of the 1990 Act. Nor do I accept that they constitute uses ancillary to agriculture. It may be that there are benefits to the operators and the farmer that these uses operate within the "childrens farm". Nevertheless, they could operate from normal industrial or commercial premises. Their use does not depend on the farm for raw materials nor are the products used exclusively for agricultural purposes. I conclude therefore that a material change of use has occurred in breach of planning control.

8. Turning to the appeals on ground (a), it is accepted that the appeal site is within the Chilterns Area of Outstanding Natural Beauty (AONB) and lies within a rural area beyond the Metropolitan Green Belt. The Hertfordshire County Structure Plan 1986, adopted Dacorum District Plan and the emerging Deposited Draft Dacorum Borough Local Plan, generally restrict development within the rural area, outside defined settlements, to that which is necessary for agriculture or forestry. The preservation of the natural beauty of the Chilterns AONB is a prime consideration in the plans.

9. From my inspection of the site and its surroundings and examination of the representations, I consider that, having regard to the above mentioned planning policies, the main issues in this appeal are whether the retention of the uses would seriously harm the character and appearance of the area, and, the effect of their retention on road safety and the convenience of traffic on the local road network.

10. As I consider that the unauthorised uses specified in the notice would not be for the purposes of agriculture, I find that their retention would be contrary to the strategic and local planning policies for the rural area and the AONB. Paragraph 18 of Planning Policy Guidance Note 7 (PPG7) advises 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 conditions. This is repeated in the new PPG7 published in January 1992, but both statements are qualified by the proviso that the form, bulk and general design of the buildings are in keeping with their surroundings. The ADAS report concluded that the buildings have come to the end of their useful life and conversion cannot easily be carried out at reasonable cost to make any other agricultural enterprise an economically viable option.

11. The buildings are of significant size, about 32 m x 7.9 m, and in my view, utilitarian in design and materials. I consider that they are particularly unattractive because of the galvanised corrugated metal cladding. They are sited on land falling towards the road and the valley beyond and are raised above ground level on blocks. This makes them prominent and obtrusive in the landscape. In my opinion, neither painting the buildings or carrying out landscaping would make them acceptable visually. I consider that the retention of the uses would be contrary to Policy 99 of the emerging Borough Local Plan. This states that in the rural area, permission will be given to the re-use of redundant buildings only where they would not be detrimental to the landscape, amenity and character of the surrounding area. I conclude that there are specific and compelling reasons for withholding planning permission which cannot be overcome by conditions.

12. On the matter of highway safety, I accept that the previous use of the buildings as poultry houses generated traffic which no longer needs to visit the farm. However, I consider that permitting industrial, retail and storage uses to operate within the farm could attract significant numbers of vehicles. It may well be that the present occupants of Units 1 to 4 do not come to work by car nor require delivery or collection vehicles to visit in large numbers, but this may not always be so. Planning permission runs with the land and circumstances could change. Industrial and retail uses in this isolated location would normally require servicing and attract customers arriving by car which, in my opinion, could not be controlled by imposing conditions.

13. The use of Longford Poultry Farm as a "childrens farm" encourages a substantial number of visitors by car and mini-bus. I saw that the approach to the business is along a narrow single track country lane with very few passing places. Representations refer to the traffic which is attracted by the monastery in St Margarets which has double decker buses and coaches visiting many times each week. I consider that any increase in traffic arising from the retention of the uses would be detrimental to highway safety and the free flow of traffic.

14. I have taken account of the representations in support of the retention of the uses and the economic benefits accruing from the industrial and retail uses to the childrens farm. However, I consider that the harm that would result to the character and appearance of the AONB and the effect of additional traffic on highway safety, outweigh the advantages in allowing the uses to continue. I conclude that the appeals on ground (a) should fail and I do not intend to grant permission to the deemed application.

15. I have considered all representations but find no other planning matters of sufficient weight to cause me to change the balance of conclusions leading to my decision.

FORMAL DECISION

16. For the above reasons and in exercise of the powers transferred to me, I hereby direct that the notice be corrected as follows:-

In Schedule 2, under Unit 1 and Unit 2, delete the words "The change of use from Poultry House to the use of the same" and substitute therefor "The change of use of part of the Poultry House to use".

In Schedule 3, delete the words "so that the use for revert to agricultural use".

Subject thereto I hereby dismiss the appeal, uphold the notice as corrected and refuse to grant permission on the application deemed to have been made under Section 177(5) of the 1990 Act.

RIGHTS OF APPEAL AGAINST DECISION

17. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'A. Wade'.

A WADE DipTP MRTPI
Inspector

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