

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. D. C. R. Allen,
Riverside,
Old Mill Road,
KINGS LANGLEY,
Herts.

Messrs. Melvin, Lansley & Mark,
The Red House,
113 High Street,
BERKHAMSTED,
Herts.

..... Conversion of Barns to Farmhouse

at Moonshine Farm, Flaunden, Herts.

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 November, 1978, and received with sufficient particulars on 29th November, 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 Metropolitan Green Belt on the County Development Plan and additionally in an "Area of Great Landscape Value" in Hertfordshire 1981, 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 agriculture or other special local needs; insufficient justification has been proven to warrant departure from this principle.

Dated 4th day of January, 19 79.

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/95/12.10



Department of the Environment

Room 13-20

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CHIEF EXECUTIVE

C. R.

- 5 NOV 1979

Ref.

870. 0

eared

Messrs Norton Rose Bottrell & Roche

Solicitors

Kempson House

Canomile Street

LONDON EC3A 7AN

TECHNICAL SERVICES DEPT.

Your reference

PLANNING SECTION

Our reference

- 5 NOV 1979

Date

T/APP/5252/A/79/05291/G6

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FILE
NO.

DATE

Gentlemen

000278

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY MR D C R ALLEN

APPLICATION NO: 4/1608/78

1. I refer to your client's appeal, which I have been appointed to determine, against the decision of the Dacorum District Council, to refuse planning permission for the change of use of existing barns to a farmhouse and associated building works at Moonshine Farm, Flaunden. I held a local inquiry into the appeal on Tuesday 2 October 1979.

2. From the representations made and from my inspection of the appeal premises and surroundings, I am of the opinion that the main issues are whether there is sufficient agricultural need, or other special need, to justify conversion of the barns into a farmhouse, having regard to the council's policies for restricting new dwellings in the green belt.

3. For your client, it was stated that he had recently purchased Moonshine Farm and Sharlowes Farm and now farms about 450 acres. The land is suitable for mixed arable and stock farming but it requires considerable capital investment. Your client has already erected new buildings and has established a herd of beef cattle including about 70 breeding cows which he expects to increase to 200, plus bulls and followers.

4. It was also stated that because the farm extends over a wide area it will be necessary to base stock at the 2 farm building complexes and to increase the workforce from 4 persons to 5. As many of the workforce as possible should live within sight and sound of the stock centres. Your client lives some distance away, but because he manages the whole operation it is essential for him to live on the holding. His present house has a floor area of about 5,000 sq ft, and as owner-occupier of this large farm it is reasonable for him to have a farmhouse of at least that size. Even the 2 larger of the existing 4 houses on the holding are much smaller, and it would be impractical to enlarge them. On the other hand, although the barns which it is proposed to convert are outmoded for modern farming practice, they have a pleasant, traditional appearance. The proposed conversion would preserve them.

5. I accept that it is inconvenient for your client to run the farm while living some distance away so I consider that it is necessary for him to live on or near it. However, there is nothing to indicate that living at Moonshine Farm would be better for that purpose than somewhere else nearby. Although an extra stockman might be needed in the future when the number of livestock has increased greatly, the holding is currently run by a workforce of 4, which includes your client. None of them live

on the farm at present; even the stockman, who was formerly the Sharlowes Farm dairyman, lives about a mile away. I appreciate that labour and housing needs could change in the future, but it was not established with any certainty that it is essential for as many as 4 to live on the holding in the immediate future.

6. With regard to the claim that none of the dwellings are suitable for your client, I consider that the size of a new dwelling, if essential for the needs of agriculture, should have regard mainly to the needs of the kind of person who would be more likely to farm such a holding, rather than to your client's personal requirements. These are for up to 7,000 sq ft of floorspace, excluding garage and outbuildings. I do not consider that your client's holding is so unusually large, and I regard the size of dwelling that your client desires as considerably larger than would normally be appropriate for such a holding. Although your client is prepared to accept a condition binding its occupation to persons engaged in agriculture, such a condition might be difficult to sustain for such a large dwelling if your client were later to sell part or all of the farm. Although the newer house at Moonshine Farm, which has a floor area of about 1,800 sq ft, might not be large enough unless extended, the house at Sharlowes Farm is a pleasant "listed" building with about 10 principal rooms and a floor area of about 3,000 sq ft. In my opinion, this house is not so small or inconvenient that its occupation by your client as a farmhouse would be a hardship.

7. Your client intends to demolish the cottage at Moonshine Farm, an old building with a floor area of about 1,800 sq ft, and several small barns, as part of the proposed development. The barns which he proposes to convert have a ground floor area of about 5,000 sq ft and additional floorspace could be provided by installing a first floor in places. Although the original shape of the barns and parts of the timber framework, external boarding and roof tiles could be retained, I consider that substantial parts of the structure would have to be rebuilt for it to be converted to modern standards. Moreover parts of the buildings, particularly the barn on the west side and the extension at the south-east corner of the courtyard, have little or no aesthetic merit. Although the loss of the parts of the barns which have such merit would be a matter of regret and their conversion to a dwelling would be visually preferable to a substantial extension to one of the existing houses, I do not consider this to be sufficient to outweigh the fact that there is insufficient evidence for me to conclude that a second dwelling at Moonshine Farm, occupied by your client, is essential for the needs of agriculture.

8. I have taken into account all the other matters in the representations, including the generally improved appearance which would result from the proposed planting and improved husbandry, but I am of the opinion that they do not outweigh the considerations that led me to my decision.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your client's appeal.

I am Gentlemen
Your obedient Servant

D. J. Tuckett

D J TUCKETT ARICS MRTPI
Inspector