

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

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM  
 IN THE COUNTY OF HERTFORD

To Col. S. Guyas,  
 Hounds House,  
 Stags End,  
 Nr. REDBOURNE,  
 Herts.

Messrs. Monro & Partners,  
 26 Exchange Road,  
 WATFORD,  
 Herts.

One dwelling - Outline

atx. adj. to Hounds House, Stags End, Gaddesden Row.

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 ..... 5th December, 1978, ..... and received with sufficient particulars on ..... 6th December, 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 Chilterns Area of Outstanding Natural Beauty on the County Development Plan 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 agricultural or other special local needs - insufficient justification has been proven to warrant departure from this principle.

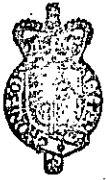
Dated ..... 25th ..... day of ..... January, ..... 19 79...

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.



# Department of the Environment

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DT5

Messrs Malkin Cullis & Sumption  
Grand Buildings  
Trafalgar Square  
LONDON WC2N 5HJ

CHIEF EXECUTIVE

23 MAY 1980

Your reference

LMF/BB

Our reference

T/APP/5252/A/79/7218/G2

Date

21 MAY 1980

1246

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY COLONEL S GULYAS  
APPLICATION NO:- 4/1635/78

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a private residence at Hounds House, Stags End, near Redbourne. I held a local inquiry into the appeal on 9 April 1980.
2. From my inspection of the site and its surroundings and from the evidence given and representations made, I consider that in this case the main issues are firstly whether there is an essential need for the proposed dwelling and secondly, whether the proposal would be detrimental to the character and appearance of this part of the Area of Outstanding Natural Beauty.
3. The appeal site comprises a derelict walled garden within the Husky Riding Centre. The site is located to the west of the access drive which leads from Gaddesden Lane to the stables, stores, ancillary buildings and a large covered riding arena. Hounds House adjoins the south-western side of this group of buildings. From the main drive, another drive runs to Stags End House, a substantial property standing on the western boundary of its grounds, to the east of the riding centre buildings.
4. The appeal site lies within the Chilterns Area of Outstanding Natural Beauty. The Structure Plan was approved in 1979 and the District Council is preparing a District Plan. The draft proposals for this Plan show that the site lies just beyond the Metropolitan Green Belt. Policy No 2 in the Structure Plan sets out the criteria governing development within the Green Belt and in the remainder of the rural county. My attention has also been drawn to the advice contained in Development Control Policy Note No 4.
5. On behalf of your client, you explained that he had acquired the riding centre about 3 years ago. Stags End House, which had formed part of the same estate, had however been sold separately by the previous owner and subsequently converted into offices. The riding centre provided facilities for instruction, mainly indoors, and a range of events was also held. The centre had become successful, with a higher standard of competitors and some sponsorship. The increased income had been ploughed back, the total investment now amounting to about £250,000. The centre was of average size, and provided a source of recreation for many people within a 30 mile radius. About 95% of the riders using the centre were local people and the local pony club was also subsidised in its use of the centre.

6. You pointed out that your client had endeavoured to buy Stags End House but the commercial use approved by the Council had resulted in the value of the premises being well above the price your client could afford to pay. Consequently he and his wife and 2 children now occupied Hounds House. The accommodation was however totally inadequate for the family, with only 2 main bedrooms, 2 very small bedrooms and a lounge and dining room. It was also unsuitable for receiving guests, such as judges for events and distinguished riders, who helped to make the centre successful. Although planning consent had been obtained for a small 2-storey extension on the south-west side of Hounds House, which would provide another bedroom, it would be extremely difficult to extend this dwelling to provide all the accommodation required. Furthermore your client was concerned at the poor accommodation now occupied by the supervisor and his wife, who lived in a caravan at the centre. It was difficult to retain the services of a supervisor with appropriate experience and ability unless suitable accommodation could be offered. The construction of the proposed house would enable the supervisor and his wife to move into Hounds House and would also provide some accommodation for students. Two other caravans on the site were occupied by the head groom and handyman. Planning consent had been obtained for the conversion of a barn to grooms quarters, which would allow 6 grooms to live on the site under supervision, whereas at present the girls came to the site each day. The temporary planning permissions for the 3 caravans had recently expired and further approvals were being requested.

7. You stated that about 20 horses were stabled at the centre, your client owning 14 of them with a value of the order of £150,000. Breeding was carried out and your client's daughter, who was an expert horsewoman, helped in the day-to-day running of the centre. It was essential for your client and his family to live at the centre in order to exercise overall management and control. The owner invariably lived on the site in similar establishments throughout the country. The proposal would also ensure continuity of supervision in the event of the supervisor being on holiday or away from the centre. The presence of adequate supervision and care at all times, during foaling, or in case of accident or disease affecting the horses, was crucial to the successful operation of the centre in accordance with legislation governing riding establishments.

8. Although your client had factories in Suffolk manufacturing riding clothes, you explained that he only spent one day each week in Suffolk, leaving the management of this side of his business interests to his wife, who usually spent 3 to 4 days each week at Suffolk and stayed in the house which they owned in that area.

9. In your opinion, the presumption against development in the rural county outside the Green Belt, set out in the Structure Plan policies, implied that the opposition to development would not be as strong as in the Green Belt. If this was not the case, there was no point in drawing a distinction between the 2 areas. The Secretary of State for the Environment had refused to allow Green Belt policies to apply to the whole of the County.

10. Although some local residents objected, in your view the traffic coming to the centre appeared to be the main cause for their concern. The proposed house would not however generate any additional traffic and there had been no formal objections to the proposal on highway grounds.

11. In reply the Council submitted that the supervisor and his wife and 2 other persons already lived at the centre and these residents would be available to ensure continuous supervision of the horses and the riding centre. The proposed house would not lead to an increase in security, as some vandalism had already occurred whilst the appellant had been residing at Hounds House. Although the appellant was only away from the centre for one day of the week, the evidence did not indicate that he

spent the rest of his time in dealing with the management of the centre. His daughter appeared to play a major role in this respect.

12. The Council pointed out that the extensions approved for Hounds House would increase the number of bedrooms to 5, the same number proposed in the new dwelling. Reception facilities could be provided within the main riding school building. It was not therefore essential for the appellant to live at the riding centre. If he was to live in a house in a nearby hamlet, he would be able to exercise the same degree of control and his supervisor could then move into Hounds House.

13. I accept that the welfare of the horses at the riding centre is of the utmost importance. Although your client may consider that the present accommodation at Hounds House is inadequate for his requirements, nevertheless planning consent has been granted for a 2-storey extension which would increase the number of bedrooms to 5 and add to the ground floor accommodation. Planning permission has also been given for the conversion of a barn to residential use. In my judgement the living accommodation available at the centre, together with that for which approval has been given, should be adequate to ensure that sufficient staff are at the centre at all times to provide the required standard of care for the horses and deal with any emergencies.

14. In view of the presence of the supervisor directing the staff at the centre, I am not persuaded that it is essential for your client to reside there in order to exercise overall management and control. His other business commitments appear to require him to leave the supervisor in charge regularly. Although it would be convenient to entertain and possibly accommodate guests as well as providing accommodation for students, in my opinion these facilities are not essential at the centre. I consider that they could adequately be provided elsewhere in the neighbourhood without detriment to the work of the centre. In my view your client could undertake the management of the centre to the same degree as at present if he were to live in a dwelling nearby and come to the centre daily. I accordingly conclude that an essential need for the proposed dwelling has not been established.

15. You submitted that the proposal lying close to the boundary of the Area of Outstanding Natural Beauty, would have no adverse effect on the landscape. The surrounding area was generally flat, consisting mainly of farmland and was not of great beauty. The new house would be built within the former walled garden, with the side and rear walls retained. It would be screened from the road by trees and would be constructed from local brick to blend with the surroundings. Carefully designed, it might well enhance the appearance of the area.

16. I observed that the surrounding countryside had undulations to the north, with areas of woodland breaking up the pattern of the fields surrounding the riding centre. In my opinion the landscape was generally of pleasing appearance, with Stags End House well set in this stretch of countryside. Although in my judgement the proposed dwelling would be screened by the riding centre buildings and trees to some extent when viewed from certain directions, I consider that it would otherwise be prominent, particularly when viewed from the south-east. It would also be visible from the west above the walls of the garden. In my opinion, the proposal would constitute an intrusion into this attractive landscape and consequently be detrimental to the rural character and appearance of this part of the Area of Outstanding Natural Beauty.

17. I have had regard to all the other matters given in evidence or raised in the representations including the petition supporting the proposal. I am satisfied however that these are outweighed by the considerations which have led to my decision.

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

I am Gentlemen  
Your obedient Servant

*D F Binnion*

D F BINNION BSc CEng MICE DipTP MRTPI  
Inspector

#### DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Notification of Inquiry.
- Document 3 - Extract from Approved Structure Plan.
- Document 4 - Letter of objection from Great Gaddesden Parish Council.
- Document 5 - Seven letters a-g, objecting to the proposal.
- Document 6 - Two letters, a and b, supporting the proposal.
- Document 7 - Letter dated 3 August 1977 on behalf of appellant offering to buy Stags End House.
- Document 8 - Petition signed by approximately 223 people supporting the proposal.
- Document 9 - Programmes of Events, a and b.
- Document 10 - Brochure issued by previous owner of Riding Centre.

#### PLANS

- Plan A - Application Plan.
- Plan B - Dacorum District Plan - Draft Proposals Map.
- Plan C - Land Use and Location Plan.

#### PHOTOGRAPHS

- Photo 1 - Aerial photograph showing appeal site.
- Photo 2 - Industrial development about  $\frac{3}{4}$  mile from appeal site.
- Photo 3 - Industrial development about  $\frac{3}{4}$  mile from appeal site.
- Photo 4 - Switchboard in store, damaged by fire.
- Photo 5 - Store showing location of switchboard.

APPEARANCES

FOR THE APPELLANT

Mr N Wise

- of Counsel, instructed by Malkin, Cullis and Sumption, Grand Buildings, Trafalgar Square, London WC2N 5HJ.

He called:

Colonel S Gulyas

- Hounds House, Stags End.

Mr J C F Davis ARIBA

- Architect, Partner, Monks and Partners, 26 Exchange Road, Watford, Herts, WD1 7EF.

Mr P J Churchill

- Show jumping Correspondent, "Horse and Hound" magazine; South Eau Farm, Throckenholt, Gedney Hill, Spalding, Lincolnshire.

FOR THE PLANNING AUTHORITY

Mr A F Barker

- Senior Assistant Solicitor, Dacorum District Council.

He called:

Mr R A Hill BA MRTPI

- Chief Planner, Dacorum District Council.

INTERESTED PERSONS

Mr G Davis

- a local resident, 4 Chequers Cottage, Gaddesden Row, Near Hemel Hempstead.

Mr E Jones

- a local resident, Holly Cottage, Gaddesden Row, Near Hemel Hempstead.

Mrs B Thompson

- representing Messrs V E B Ltd, Stags End House, Near Redbourne.

Department of the Environment  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

#### RIGHT TO CHALLENGE THE DECISION

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given.

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is, the Inspector has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No. 420), which relate to the procedure on appeals transferred to Inspectors.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

#### RIGHT TO INSPECT DOCUMENTS

Under the provisions of rule 16(2) of the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 any person entitled to be notified of the decision given in the accompanying letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, for an opportunity of inspecting any documents, photographs and plans listed in the notification. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days' notice should be given, if possible.