



**Department of the Environment and
Department of Transport**

Common Services

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**CHIEF EXECUTIVE
OFFICER**

22 OCT 1987

File No.

Refer to LP 22/10

Cleared

Collett Design
Architectural Consultants
17 Collett Road
HEMEL HEMPSTEAD
Hertfordshire

Your reference

Our reference PLANNING DEPARTMENT T/APP/A1910/A/87/068953/R2					
Date Ref. 21 OCT 87					
Ack.					
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
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Received 22 OCT 1987					
SCHEDULE 9					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND
APPEAL BY ULVIR LTD
APPLICATION NO: 4/1665/86

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum District Council to refuse planning permission for extension and alteration to convert a cowshed to a dwelling, Holtsmere End Farm, Holtsmere End. I have considered the written representations made by you and by the Council and I inspected the site on 14 September 1987.

2. From my inspection of the site and surrounding area and taking into account the written representations, I am of the opinion that the main issue in this appeal is whether there would be any justification to permit the creation of a new dwelling in an area of the Metropolitan Green Belt where there is a presumption against new development.

3. The appeal site is located adjacent to Holtsmere End Farm which consists of a group of buildings isolated from the built-up part of Hemel Hempstead. Although that urban area has been extended in recent times to within a short distance of your clients farm buildings, the appeal site is still surrounded by open farmland. At the present time the former cowshed buildings are partly used for the garaging of vehicles and partly unused.

4. In their representations the Council make it clear that your clients land is within the Metropolitan Green Belt wherein planning permission for new development will be resisted unless associated with specified activities such as agriculture. In your statement you make no attempt to justify the proposal on the grounds that it would be for the essential needs of operating your clients farming business and to accommodate a key farm worker. You do, however, suggest that the proposal would provide an additional dwelling badly needed in an area of high demand for housing and where the revenue from either the sale or letting of the proposed dwelling would assist the farming company's income.

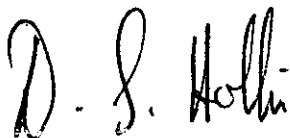
5. Whilst I realise that Government advice has, in recent times, encouraged farmers to attempt to diversify their activities, successive Government Circulars have emphasised the need to protect green belts and preserve our heritage. In my opinion, because the appeal site is located in an isolated position away from the urban areas, to permit this proposal would be to encourage a sporadic development within the Metropolitan Green Belt contrary to stated Government advice and detrimental to local and national policy objectives. Although the proposed development would involve the conversion of an existing building, it would still mean the

creation of a further residential dwelling in a rural area away from the main centres of population. Furthermore, to permit this proposal would also be likely to encourage further proposals for residential development in the area, the cumulative effect of which would be to cause significant detriment to the objectives of green belt policy.

6. I have taken into account all other matters raised in the representations, but none outweigh the considerations which led to my decision.

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

I am Gentlemen
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'D. G. Hollis'. The signature is written in a cursive style with a large initial 'D' and a long horizontal stroke extending to the right.

D G HOLLIS BA DipTP MRTPI
Inspector

Department of the Environment
2 Marsham Street
LONDON SW1P 3EB

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. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971.)

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 Secretary of State or Inspector, as the case maybe, 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 (Inquiries Procedure) Rules 1974 (SI 1974 No. 419), which relate to the procedure on cases dealt with by the Secretary of State, and 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.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Ulvir Limited
Chalkdell Farm
Coleman Green Lane
Wheathampstead

Collett Design
Architectural Consultants
17 Collett Road
Hemel Hempstead

..... Extensions and alterations to convert cowshed
..... to dwelling
at ... Holtsmere End Farm, Holtsmere End, Redbourn
.....

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 28 November 1986 and received with sufficient particulars on 28 November 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 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.

Dated 5 day of February 19 87...

Signed..... 

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.