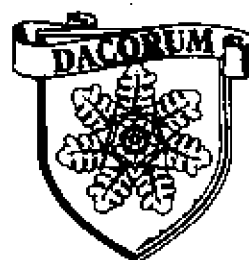


TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr & Mrs W J Kimberley
Gade Water Nurseries
Water End
Hemel Hempstead
Herts

Faulkners
49 High Street
Kings Langley
Herts
WD4 9HU

Dwelling (outline)

at Gade Water Nurseries, Potten End Hill, Water End

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
..... 1 September 1988 and received with sufficient particulars on
..... 2 September 1988 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. Paragraph 6 of Appeal decision TAPP/A1910/C/805/956/P6 relating to the mobile home was specific in restricting its occupation and due to this and the history of provision of accommodation associated with Gade Water Nurseries it would therefore be inappropriate to grant planning permission for the erection of a permanent dwelling house at the site.

Dated 10 day of November 1988

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.

sell off the house and trout farm. The farm was sold separately to the current applicants who subsequently stationed the mobile home at Gade Water Nurseries referred to in the description.

In allowing the Appeal for the mobile home, the Inspector in March 1986, acknowledged that:

- (a) There was no indication of any other suitable dwelling being available close enough to the site. Therefore it was felt that the caravan met a need.
- (b) The condition associated with the mobile home was to be specific allowing the permission to continue only so long as the caravan is occupied by a person directly responsible for the running of the fish farm.
- (c) The restrictive condition was imposed due to the history of the provision of accommodation associated with this farm and the possibility that at some future date suitable permanent accommodation would become available to Mr and Mrs Kimberley or any successor.

Since the Appeal decision relating to the mobile home circumstances have changed as the owner of 'Gatherley' has unsuccessfully sought to discharge its agriculture occupancy condition, and in dismissing the Appeal the Inspector acknowledged that, although the owner of the nurseries stated that 'Gatherley' was too large and too expensive for himself and his family, circumstances may change in the future.

Although the current owner of the site only proposes a bungalow of about 45% of the floorspace of 'Gatherley', there remains a dwellinghouse subject to an occupancy condition in the immediate vicinity of the nurseries and which was permitted originally to meet the needs of the nurseries.

In a letter accompanying the application, the applicants confirm that they would accept an occupancy condition. However, the selling off of part of the site may lead to a requirement for a further unit associated with the site which in the future may also become 'redundant' to agricultural practice if circumstances change. In conclusion it would be inappropriate to permit a new dwelling on this site.

✓ RECOMMENDATION - That planning permission be REFUSED (on form DC4) for the following reason:

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. Paragraph 6 of Appeal decision TAPP/A1910/C/85/956/P6 relating to the mobile home was specific in restricting its occupation and due to this and the history of provision of accommodation associated with Gade Water Nurseries it would therefore be inappropriate to grant planning permission for the erection for a permanent dwellinghouse at the site.