



## Department of the Environment

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- 1 JUL 1981

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Cleared

Council Ref: 4/1666/80E

Messrs Bretherton and Company

6 Romeland Hill

ST ALBANS

Herts

AL3 4ET

Your reference

JB/SM/C

Our reference

T/APP/5252/C/80/5187/G4

Date

30 JUN 1981

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9

APPEAL BY MR B CROW

LAND AND BUILDING ADJACENT TO BOTTOM FARM, WIGGINTON

1. I refer to the appeal, which I have been appointed to determine, against an enforcement notice served by the Dacorum District Council concerning the above mentioned land and building. I held an inquiry into the appeal on 6 May 1981 and 3 June 1981.

2. a. The date of the notice is 8 October 1980.

b. The breach of planning control alleged in the notice is the carrying out of building operations, namely the erection of a building in the position indicated by red hatching on the plan attached to the notice without the grant of permission required in that behalf under Part III of the Town and Country Planning Act 1971.

c. The requirements of the notice are 1. to demolish the building, and 2. to remove from the land all materials arising from such demolition and restore the land to its condition before the development took place.

d. The period for compliance with the notice is 6 months.

e. The appeal was made on grounds 88(1)(a), (b) and (f).

3. The evidence was taken on oath.

## SUMMARY OF THE DECISION

4. The formal decision is set out in paragraph 48 below. The notice is being upheld and planning permission is not being granted.

## THE SITE AND SURROUNDINGS

5. The 1.18 acre site is an isolated one in the country and adjoins the south side of an unmade track. The appeal building stands close to the site's southern boundary. It contains on the ground floor a front and a rear entrance, 4 main rooms, toilet and double garage accommodation, and 2 small rooms, one of which

is fitted for use as a boiler room. It has a ridge roof, with the roof space accessible through a trap door in the boiler room ceiling. This space has a wooden floor and a window at each gable end; on the day of the inquiry a section partitioned off at the western end was decorated and furnished. A concrete driveway leads to the building from an access at the eastern end of the site's northern boundary. At the access are metal gates with a brick pillar each side. There are 2 lamp standards beside the driveway. The land adjoining the building and driveway is unused. Some work on foundations for a building on land to the west of the northern end of the driveway was apparent on the day of the inquiry.

#### UNDISPUTED FACTS

6. Your client bought the site in 1975. In 1977 an application for planning permission for the erection on it of greenhouses and associated buildings for an agricultural holding was submitted. Planning permission was refused on 28 August 1977. On 29 September 1977 the council issued a Section 53 determination that the erection of an agricultural building shown on the submitted plan as containing store, toilet and office accommodation would not require planning permission. Construction work on the appeal building began in October 1977. Building Regulations consents for alterations to the building shown on the plan associated with the Section 53 determination were given on 5 January 1978, 6 April 1978 and 31 August 1978. By March 1979 erection of the appeal building was largely complete.

#### YOUR CLIENT'S CASE

The material points are:-

7. He is director of a building company operating in North London. He owns land at Welham Green near Hatfield. He has horses and stables there, and a nursery is being formed. A fire damaged his property there, and his building business has suffered as a result of the recession. Consequently the appeal site has been unused since he bought it.

8. The site appears to have been last used as a chicken farm. He intends to use it as a nursery, with the appeal building used in conjunction with that use. He knows that the land cannot be used for purposes other than agriculture. Planning permission for the erection of a dwelling was refused in 1955 and again in 1959.

9. A recent building contract has eased his financial situation, and he can now begin to implement his plans for the site. The foundations being dug are for a greenhouse. Mr Turner, who has experience of nurseries and greenhouses and who is working with him on his land at Welham Green, will be in charge of the cultivation side of the nursery business at the site. The premises at Welham Green will provide an outlet for produce from the site.

10. The appeal building is materially in accordance with the plan associated with the Section 53 determination. Certain alterations had to be made to secure compliance with the Offices, Shops and Railway Premises Act 1963. Alterations were made either at the suggestion of, or with the full knowledge and the agreement of the council's Technical Services Department, which embraced both the building regulations control and the planning control sections of the council.

11. The roof design was altered, and the gable end windows inserted to provide first floor storage and office space. More ground floor space was needed for the proposed agricultural activities.

12. Certain interior work was done without the knowledge of your client. When workers employed by his building firm had nothing else to do, he sent them to work at the appeal building. He was unable to exercise close supervision.

13. The council allege that skirting boards have been removed from some of the rooms. This is not so. The finish on the walls is damp absorbing, and there would be damp patches on the walls if the finish were taken down to floor level. No window sills have been fitted and subsequently taken away. Radiators were fitted for testing purposes but were removed in case they were stolen. It is sensible to provide a plentiful supply of electricity points when a building is constructed; to add them later is expensive.

14. The building as erected conforms with plan No B78/1375 associated with the consent dated 31 August 1978. It is to be assumed that the council's planning control section knew of the consent, issued by another section in the same department.

15. On 23 March 1979 the Director of Technical Services wrote to your client to enquire about the use to which it was intended to put the building. At the top of the letter your client was invited to contact Mr J Smith on extension 221. He duly telephoned and said that the building would be used only in connection with agricultural use of the land.

16. He heard nothing more from the council until he received a letter dated 10 September 1980, accusing him of not replying to the letter dated 23 March 1979, and informing him that enforcement action was being taken.

17. The council knew of the modifications to the plan associated with the Section 53 determination, and one of their building inspectors supervised the erection of the building. If they thought that the modifications represented a significant departure from the plan, they did not say so. They should be estopped from now saying so, and it should be accepted that the building as erected complies with the spirit if not the letter of the Section 53 determination.

18. The building is to be used in connection with agriculture, although for reasons which could not have been foreseen the use has not yet begun. Non-use cannot constitute a breach of planning control. There has been no breach. If the building were to be used for residential purposes, the council would have, under the provisions of section 87(3)(c) of the Act, 4 years from the commencement of the use in which to serve an enforcement notice.

19. If it is decided that erection of the building is not within the dispensation granted in Class VI in Schedule 1 to the General Development Order, planning permission should be granted for the use of the building for agricultural purposes. The track leading to the site could be easily and adequately improved without its surface being tarred.

20. Since no use of the building other than in connection with agriculture is intended, the steps required by the notice far exceed what is necessary to remedy the alleged breach of planning control.

#### THE PLANNING AUTHORITY'S CASE

The material points are:-

21. The unmade track leading to the site joins the A41 to the site's north-east. It is shown as a public right of way on the Definitive Map. A public footpath runs south from the track, passing beside the site's eastern boundary.

22. The site is within the Metropolitan Green Belt in the approved Structure Plan, and is also within the Chilterns Area of Outstanding Natural Beauty. On the Dacorum District Plan it is similarly shown.

23. The appearance of the building, the way in which it has been constructed, the layout of rooms, the provision of fittings, and the standard of finish leave no doubt that it has been designed as a dwellinghouse. It is quite different from the building shown on plan No 4/0984/77D associated with the Section 53 determination. It is not even the building shown on plan No B78/1375 associated with Building Regulations consent dated 31 August 1978.

24. Plan No 4/0984/77D shows a building with a length of 16 m, a width of 8 m, a height to ridge of 5.7 m, and a roof pitch of 32°. Plan No B78/1375 shows a building with a length of 17.9 m, a width of 8 m, a height to ridge of 6.6 m, and a roof pitch of 40°. The 2 plans show a different roof construction, and windows and doors which are different in number, position and size. In the second plan first floor windows have been inserted in the gable ends. The building as erected largely follows plan No B78/1375, but the length is 18.3 m and the width 8.3 m.

25. The building has cavity walls. The brick gateway pillars, the lamp-posts in the driveway, the windows and the front door are such as are normally associated with a dwellinghouse.

26. The property was inspected on 21 May 1981. Skirting boards were fitted in one room, and appeared to have been fitted and subsequently removed in at least 4 others. Wooden window sills were fitted in 2 rooms, and appeared to have been fitted and subsequently removed in 2 others. Pipe connections for radiators had been obscured in every case by carefully placed objects. Radiators had previously been seen through the windows in 3 of the rooms, but had been removed by the time of the inspection.

27. Internal walls were liberally supplied with electricity sockets, and in the central front room there was a fitting containing a number of sockets side by side. In nearly every case an attempt had been made to conceal the sockets from view. In the 2 rooms at the western end of the building there were, in addition to light switches by the doors, 2 wall switches in each room 3 or 4 ft above floor level and between 6 and 7 ft apart. In the 2 central main rooms there were wires as if for wall lights.

28. In the central rear room what appeared to be 6 recessed lights had been set in the ceiling. An electric cooking hob was on a level with a kitchen type work top, and there was a sink. An electricity point appeared suitable for an oven. Remains of tiles could be seen just above the work top, and elsewhere it appeared that wall tiles had been removed. At one point holes in the wall and the absence of signs of tiling indicated the possibility of a wall cupboard having previously been fixed. Brown emulsion paint had been painted over the scars and elsewhere.

29. In the small room adjoining the west side of the central rear room there were a washbasin and a toilet. There was evidence that a bath had been fitted and subsequently removed. The wall above the bath space was tiled. Pipe ends against one of the walls suggested a fitting for a bidet.

30. Whilst the roof space was not inspected, the gable end windows appeared typical of ones associated with a domestic building. The addition at a later date of dormer windows and a staircase from the ground floor would be a simple matter.

31. It is believed that work on the foundations of the greenhouse building was begun on about 18 May 1981. This would have been after the opening of the inquiry.

32. It was not until early 1979 that it appeared to the council that the appeal building was unauthorised under the provisions of the Town and Country Planning Act. Mr J Smith, the council's Enforcement Officer, has no recollection of your client telephoning him in response to the letter dated 23 March 1979 from the Director of Technical Services. There is no doubt that he would have made a written record of any such response. There is no written record.

33. Designed as a dwellinghouse, the building is not requisite for the use of the land for purposes of agriculture. There is no agricultural use of the land, and your client is vague about his intentions for it to be so used. The provisions of Class VI.1 in Schedule 1 to the General Development Order do not apply.

34. Whether or not the building has been used is irrelevant. The notice alleges building operations and not a change of use.

35. Your client as a builder can be expected to be well acquainted with the plans for and details of the construction and cost of the building, and with the plans for the construction of greenhouses on the site. His evidence in these respects is vague and unsatisfactory.

36. He can also be expected to have some knowledge of planning matters and procedure. His letter dated 31 August 1977 to the Chief Planning Officer supports this view.

37. This is a vulnerable area in the Green Belt, where there is a great danger of new dwellings being created under the guise of agricultural buildings. The evidence indicates an intention to leave the appeal building for 4 years, and then to shelter under the protection of the 4 year rule.

38. There are strong presumptions against development in the Green Belt. The appeal building cannot be shown to meet any of the special criteria set out in the relevant development plans. It has an urbanising impact which is alien to the rural character of the countryside. The unmade track is unsatisfactory and inadequate for the traffic likely to be generated by the use of the building. The track's unsatisfactory nature would be likely to lead to it being made up, which would have a further detrimental effect on the area's rural character.

39. The requirements of the notice are not excessive, since the breach of planning control is the erection of the appeal building, and in order to restore the land to its condition before the development took place it is necessary to demolish the building and remove from the site the materials arising from the demolition.

#### CONCLUSIONS

40. There is no doubt in my mind that both externally and internally the appearance and character of the appeal building are those of a dwellinghouse. I believe the building to be designed as a dwellinghouse, and to be substantially and materially different from the building which would have been erected if the plan associated with the Section 53 determination had been followed.

41. I take the view that, notwithstanding the building not having been residentially occupied, planning permission was required for its erection. Since planning permission has not been obtained, there has been a breach of planning control and the appeal fails on ground (b).

42. On the planning merits of the case, I consider the main issue to be whether an exception should be made to the council's policy for the control of residential development.

43. The area is an attractive rural one in the Green Belt, and I am satisfied that the relevant development control policies pursued by the council merit strong support. In my opinion the appeal building, by reason of its appearance and the activity to which it can be expected to give rise, is out of place and harmful to the area's quiet, rural character. There is no suggestion that it is required for use as an agricultural dwelling, and I can find no grounds for making an exception to well-founded policy for the control of residential development in this country area. The appeal on ground (a) therefore fails.

44. I have carefully considered whether the consents under the Building Regulations and the council's apparent lack of objection to the building for a fairly lengthy period thereafter can be accepted as grounds for quashing the notice. Whilst it seems to me that there could and desirably should have been more liaison than there apparently was between the 2 control sections of the council, I am of the opinion that it was the responsibility of your client to ensure both that the building complied with the requirements of the Building Regulations, and that its erection was in accordance with the requirements of the Town and Country Planning Act. I do not therefore propose to quash the notice.

45. With regard to the appeal on ground (f), I regard the requirements of the notice to be reasonable, with the exception of that element requiring restoration of the land to its previous condition. This I consider to be too onerous and excessive, and I shall vary the notice accordingly.

46. Although no appeal has been made on ground (g), I have considered the period for compliance with the notice but do not find that it falls short of what should reasonably be allowed.

47. I have taken into account the other matters raised, but they are insufficient to outweigh the considerations leading to my decision.

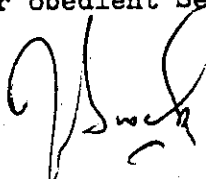
#### FORMAL DECISION

48. In exercise of the powers transferred to me, and for the reasons given above, I hereby direct that the enforcement notice be varied by the deletion in paragraph 5(2) of all words after the word "demolition". Subject to this variation I dismiss the appeal, uphold the notice and refuse to grant planning permission on the application deemed to have been made under section 88(7) of the Act.

RIGHTS OF APPEAL AGAINST DECISION

49. This letter is issued as the determination of the appeal 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 dark ink, appearing to be 'J Brock', written in a cursive style.

J BROCK MA(Cantab)  
Inspector

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## TOWN AND COUNTRY PLANNING ACT 1971

APPEAL BY MR. B. CROW AGAINST AN ENFORCEMENT NOTICE SERVED BY DACORUM DISTRICT COUNCIL UNDER SECTION 87 OF THE TOWN AND COUNTRY PLANNING ACT 1971 RELATING TO AN ALLEGED BREACH OF PLANNING CONTROL NAMELY THE ERECTION OF A BUILDING ON LAND KNOWN AS BOTTOM FARM, WIGGINTON, WITHOUT THE GRANT OF PLANNING PERMISSION.

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DEPARTMENT OF THE ENVIRONMENT REFERENCE: APP/5252/C/80/5187

LOCAL AUTHORITY REFERENCE: 4/1666/80E

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EVIDENCE OF DAVID PETER NOBLE, B.A., M.R.T.P.I., A.I.A.S., M.R.S.H.  
Senior Assistant Planner, Dacorum District Council

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### APPEAL SITE

1. The appeal site is situated approximately half way between Tring and Berkhamsted and lies about  $\frac{1}{2}$  mile south of the A.41 Trunk road, as illustrated on Plan 1. A minor road runs south from New Ground crossroads and at a fork in the road, alongside Tinkers Lodge, an unmade track leaves the road on the east side. This track is a public right of way (shown on the Definitive Map) and connects to the A.41 at the Cow Roast. A second path leaves the track and passes along the eastern boundary of the appeal site and crosses the fields to Dudswell.

2. The appeal site is roughly rectangular in shape, with an area of 0.48 hectares (1.2 acres). It lies to the south of the unmade track from which access is gained to the north-eastern corner through a pair of metal gates supported on brick piers. A partially completed driveway, edged with concrete kerbs, leads to the appeal building which is situated alongside the southern boundary near to the south-eastern corner. The land surrounding the building is unused.

### APPEAL BUILDING

3. From the track, the appeal building has the appearance of a single-storey structure, although from the minor roads to Wigginton and Shootersway, from which the building can be clearly seen, it is evident that there is a window at first floor level in the west gable end. A similar window in the east gable end is visible from the access drive. On what may be termed the front (north) elevation are two garage doors, three windows and what to all intents and purposes is a front door. The west gable end has two windows at ground floor level. The ground floor area of the building appears to be something in excess of 60 ft. (18.3 m.) by 27 ft. (8.3 m.). It is constructed in ~~second~~ ~~hand~~ ~~brick~~ brickwork with a plain concrete tiled roof. Plans submitted under the Building Regulations specify cavity wall construction.



## BACKGROUND

4. In June 1955, planning permission for a bungalow on the appeal site was refused (W/619/55) for the following reasons:-

- "1. The site is not zoned for residential purposes in the County Development Plan and the proposal would be contrary to the planning proposals for the area.
2. The proposed development would be detrimental to local amenities and prejudicial to the maintenance of the rural zone in which it would be situate."

Compensation of £62. 17. 2. was paid on 8th June, 1956.

5. In April 1959, planning permission for a 'dwelling house' on the appeal site was refused (W/387/59) for the following reason:-

- "The site of the proposed dwelling falls within an area defined by the Local Planning Authority as a local green belt, in accordance with the provisions of Circular No. 42/55, and is also contained within an Area of Landscape Value as defined on the County Map of the County Development Plan, and the development of the land for residential purposes would therefore be contrary to the Local Planning Authority's proposals for the maintenance of the area, and detrimental by reason of the erection of buildings to the visual amenities of the area."

6. No further applications relating to the appeal site were submitted until 1977, when an application for "greenhouses and associated building for agricultural holding" was made (ref. 4/0765/77). Planning permission was refused on 25th August, 1977 for the following reasons:-

- "1. The access to the site is unsatisfactory and inadequate for the traffic likely to be generated by the proposed development.
2. The development as proposed would have an injurious effect on visual amenity in this designated Area of Outstanding Natural Beauty."

7. This decision was followed by an application for a determination under Section 53 of the 1971 Act as to whether planning permission was required for the erection of only the 'associated building' referred to above. The Council determined on 29th September, 1977 (ref. 4/0984/77D) that planning permission was not required for the erection of the building illustrated on the plans accompanying the application, since it represented development which fell within Class VI of Schedule 1 to the Town and Country Planning General Development Order 1977.

8. There then followed three applications for consent under the Building Regulations. Details of these applications, and of the two applications referred to above, are included in Schedule A. All these applications relate to an 'Ancillary' building on the site of the appeal building, but comparison between the various submitted plans and the actual building on the site reveals a number of inconsistencies, to which I shall later refer.

9. Construction work commenced on site in October 1977, but it was not until early 1979 that it appeared that the building being erected was not authorised, either by virtue of a specific planning permission or by any provisions of the Town and Country Planning General Development Order. Following a report to the Council's Development Control Committee on 21st August, 1980, enforcement action was authorised to secure the removal of the building.

10. An enforcement notice dated 8th October, 1980, was subsequently served on Mr. Crow, who lodged an appeal on 5th November, 1980. The notice requires the building to be demolished and all materials arising from such demolition to be removed from the site. The appeal is made on grounds (a), (b) and (f), as set out in Section 88(1) of the 1971 Act.

#### DEVELOPMENT PLAN POLICY

11. In reaching the decision to serve the enforcement notice, the District Council has had regard to the relevant provisions of the Hertfordshire County Structure Plan (H.C.S.P.) which was approved by the Secretary of State for the Environment on 21st September, 1979, and the Dacorum District Plan (D.D.P.) which was in draft form at the date of service of the enforcement notice but was formally placed on deposit as a local plan on 30th January, 1981.

12. The relevant policies may be shortly stated:-

H.C.S.P. Policy 2 and  
D.D.P. Policy 1

These policies provide for an extension of the Metropolitan Green Belt, which includes the appeal site. Within this area, planning permission will not be granted, except in very special circumstances, for development unless the Council is satisfied that the proposal is required for the purposes of agriculture or forestry, for leisure purposes, or for other uses appropriate to a rural area.

H.C.S.P. Policy 19 and  
D.D.P. Policy 9

The appeal site falls within an Amenity Corridor. To prevent urban intrusion in the countryside, planning permission will not normally be granted in such areas for development other than the exceptions referred to above. Priority will be given to landscape improvement.

H.C.S.P. Policy 21 and  
D.D.P. Policy 23

The appeal site falls within the designated Chilterns Area of Outstanding Natural Beauty. The primary concern is the preservation of the natural beauty of the landscape.

D.D.P. Policy 24

In all rural areas, the Council will have particular regard for the protection of important views when considering proposals for new buildings, and will seek to minimise the impact of such development on the countryside.

THE CASE FOR THE LOCAL PLANNING AUTHORITY

13. I refer again to Schedule A. The first proposal listed is the 'ancillary' building which formed part of the application refused in August 1977. Drawings illustrating an identical building formed the basis of an application for a determination under Section 53 (4/0984/77D). On the information then available to the local planning authority, it appeared that, if the building were constructed and used as indicated on the plans in conjunction with the agricultural use of the land, then the proposal fell within Class VI of Schedule 1 to the Town and Country Planning General Development Order, and would therefore amount to permitted development. The Council so determined the application.

14. The first application submitted under the Building Regulations (B78/13) was for an identical building to that shown on 4/0984/77D. Following the grant of consent, the appellant sought to modify the building by altering the internal layout to include sheds and potting areas, and by increasing the pitch of the roof "for aesthetic reasons". A further consent (B78/295) was granted for the building with these amendments.

15. It is pertinent to note that both B78/13 and B78/295 show the building to be constructed in second-hand stock bricks with a cavity exterior wall, and that windows at first floor level in the gable ends appear for the first time in B78/295. Access to the roof space was stated to be limited to "maintenance and repair". It should also be noted that neither the internal layout nor the disposition of door and window openings shown on plans 4/0765/77, 4/0984/77D, B78/13 and B78/295 correspond to the appeal building as erected.

16. The third application under the Building Regulations (B78/1375) shows yet further changes. The building has grown longer by nearly two metres and the internal layout and location of doors and windows is now the same as the appeal building as erected.

17. In the event, the appeal building as erected is even longer and indeed, wider than the building shown on B78/1375. It follows, therefore, that the building on the appeal site is not the building represented on the plans accompanying the application for the Section 53 determination (4/0984/77D). The local planning authority has never determined that the appeal building is permitted development because it has never been asked to consider this point.

18. In order to claim the benefit of permitted development under Class VI for the appeal building, the appellant must show -

- (a) that the building is requisite for the use of the land for agricultural purposes;
- (b) that the building is designed for agricultural purposes;

(c) that the land is agricultural land.

19. Taking point (a), it is quite clear that no agricultural use is being made of the appeal site, and this state of affairs has existed since at least June 1977. It cannot be said, therefore, that the building is required to assist in the use of the land for agricultural purposes, because agricultural activity is non-existent.

20. With regard to point (b), it is the Council's view that the appeal building is not designed for agricultural purposes, notwithstanding the descriptions attached to the various rooms on B78/1375. A superficial visual inspection is sufficient to show that the layout of rooms, the provision of fittings and the standard of finish is immediately indicative of a dwellinghouse and not an ancillary agricultural building. The provision of net curtains at the first floor window in the west gable end does nothing to assist the appellant's contention.

21. The local planning authority has received no evidence that the building has been used for agricultural purposes. Indeed, no reply has ever been received to a letter dated 23rd March, 1979 sent to the appellant asking what use was proposed for the appeal building. The recent arrival of a number of bales of peat and boxes of plastic pots now stacked in the windows cannot be considered to represent anything more than a spurious attempt to justify an agricultural use.

22. Finally, as to point (c), in view of the 'non-use' of the appeal site since at least June 1977, it is doubtful whether the land can be considered to be 'agricultural land', which is defined in the General Development Order as "land used for agriculture which is so used for the purposes of a trade or business." Certainly, the present state of the site does not provide any evidence that the land is so used, but rather the contrary.

23. It is concluded, therefore, that the appeal building falls short of satisfying many of the limitations contained in Class VI.1 of Schedule 1 to the General Development Order, and that, as a result, the appeal building cannot be considered to be permitted development. Planning permission has never been granted for the appeal building, and a breach of planning control has therefore occurred. Accordingly, the appeal against the enforcement notice on ground (b) must fail.

24. In considering the question of whether planning permission should be granted for the appeal building (ground (a) of appeal), regard must be had to the relevant planning policies contained in the County Structure Plan and District Plan. These are set out in paragraph 12 above.

25. The absence of agricultural activity at the appeal site has already been established. It follows, therefore, that there can be no justification for the retention of the appeal building in the face of the strong presumptions against development in the Metropolitan Green Belt. The appeal building cannot be shown to meet any of the special criteria set out in the relevant development plans.

26. Furthermore, the appeal site is visible from surrounding roads and public rights of way, so that the presence of the appeal building has an urbanising impact which is alien to the rural character of the countryside. This is directly contrary to District Plan Policies 9, 23 and 24, and is inappropriate in the Chilterns Area of Outstanding Natural Beauty.

27. Finally, the access to the site along an unmade track is unsatisfactory and inadequate for the traffic likely to be generated by the use of the appeal building.

28. It is further concluded, therefore, that planning permission should not be granted for the development enforced against, and the appeal on ground (a) must fail accordingly.

29. Finally, I turn to the appeal on ground (f). The enforcement notice specifies two steps to be taken - firstly, to demolish the appeal building; secondly, to remove the materials arising from the demolition. Section 87(6)(b) requires the notice to specify the steps which are required by the local planning authority to be taken in order to remedy the breach of planning control, "that is to say steps for the purpose of restoring the land to its condition before the development took place". The breach of planning control has been identified as the erection of the appeal building without planning permission, and in order to restore the land to its condition before the development took place it is necessary to demolish the appeal building and remove the materials arising from the demolition from the site. The requirements of the notice are not, therefore, considered to be excessive. Although an appeal was not made on ground (g), the period of six months specified in the notice is not considered to fall short of what should reasonably be allowed to carry out the steps required.

#### COMMENTS ON THE APPELLANT'S GROUNDS OF APPEAL

30. The lack of clarity in the letter of 4th November, 1980 from the appellant's solicitors make it difficult to make more than general observations. The reference to Section 87(b) is presumably intended to be Section 87(6)(b), but, as mentioned above (paragraph 29), the notice complies with the requirements of this section.

31. It has also been pointed out (paragraph 17) that the appeal building is quite different from that illustrated on the plans which accompanied the application for a Section 53 determination. It should also be noted that no consents under the Building Regulations dated 13th March, 1978 and 31st July, 1978 have been issued in respect of the appeal site. The dates are as set out in Schedule A.

32. As to the appellant's final point, the alleged breach of planning control is the erection of a building, not a material change of use. The fact that the appeal building may or may not have been used either as a dwellinghouse or for some other non-agricultural purposes does not alter the view of the local planning authority that the building that has been erected is designed as a dwellinghouse.

CONCLUSION

33. The appeal building has been erected without planning permission. In the view of the local planning authority, the building has been designed as a dwellinghouse. The building that has been erected is not the building represented on the plans accompanying the applications listed in Schedule A.

34. The building has not been used for agricultural purposes, and, in view of the lack of agricultural activity on the appeal site, it cannot be said to be requisite for the use of the land for agriculture. The building cannot, therefore, shelter under the provisions of the General Development Order.

35. The erection of the appeal building is contrary to the policies of the Hertfordshire County Structure Plan and the Dacorum District Plan which aim to restrict buildings in the Metropolitan Green Belt to those which are essentially required to support a genuine and viable agricultural activity. The policies are also designed to maintain and enhance the rural character of the countryside, and special attention is paid to this aspect in the Chilterns Area of Outstanding Natural Beauty.

36. The Secretary of State is therefore requested to dismiss this appeal and uphold the enforcement notice.