



The Planning Inspectorate

Room 1404	DACORUM BOROUGH COUNCIL	Direct Line	0117-987 8927
Tollgate House		Switchboard	0117-987 8000
Houlton Street		Fax No	0117-987 8139
Bristol BS2 9DJ		GTN	1374-8927
Received	01 DEC 1998	E-mail	ENQUIRIES.PINS@GTNET.GOV.UK

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Comments

FILE 4/1813/97

Pickworths Solicitors
 6 Victoria Street
 ST ALBANS
 Herts
 AL1 3JB

Your Ref:
 DSF/BRYANT/13062
 Our Ref:
 T/APP/A 1910/A/98/297750/P8

Date: 30 NOV 1998

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPEAL BY R, C & K BRYANT TRADING AS SHANTOCK NURSERIES
 APPLICATION NO: 4/01813/97/OUT

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your clients' appeal against the decision of Dacorum Borough Council to refuse outline planning permission for residential development (1 house) for agricultural worker at Shantock Nurseries, Shantock lane, Bovington. I conducted a hearing on 27 October 1998.

2. Prior to considering the main issue raised by this appeal I wish to clarify one matter. The application form sought outline planning permission, but gave no indication of which matters were to be reserved for later determination. Moreover, although the application drawings provided details of the proposed siting, design, and means of access for the proposed dwelling, as well as some indication of its external appearance, it was not clear whether any of this information was to be regarded as illustrative only. However, at the hearing it was agreed that this appeal should be determined on the basis that approval is sought at this stage for the access to, and the siting and design of, the proposed house, with all other matters (including the elevational treatment of the building) reserved for subsequent decision.

3. From what was put to me at the hearing, the written representations, and my inspection of the site and its surroundings, I consider that the main issue in this appeal is whether the proposed development represents an appropriate form of development having regard to the general presumption against inappropriate development in the Green Belt, and if not, whether there are any very special circumstances to justify it.

4. The development plan for this locality is the Hertfordshire Structure Plan Review 1991-2011 (HSPR) adopted in April 1998, and the Dacorum Borough Local Plan (DBLP) adopted in April 1995. It is common ground that the appeal site is in a rural area within the Metropolitan Green Belt.

5. Policy 5 of the HSPR includes a provision that in the Green Belt there is a presumption against inappropriate development and that permission will not be given, except in very special circumstances, for purposes other than those detailed in PPG2(Revised). Paragraph 3.4 of PPG2(Revised) advises that the construction of new buildings inside a Green Belt for agricultural purposes is not inappropriate. Likewise, Policy 3 of the DBLP indicates that building development for agricultural uses is generally acceptable within the Green Belt.

6. Policy 22 of the DBLP seeks to ensure that permission for dwellings in the Green Belt for agricultural and forestry workers is only given where special circumstances apply; those circumstances relate to the functional and financial need for additional accommodation, and to its impact on the amenity and character of the countryside. However, the Council accepted that Shantock Nursery is a financially viable and sustainable enterprise, and that the appeal proposal would not adversely affect the amenity and character of the countryside. Nevertheless, Policy 22 includes a provision that there should be a need for additional residential accommodation for the agricultural enterprise for which suitable accommodation or buildings capable of conversion do not exist.

7. These policies are broadly consistent with the advice in Annex I of PPG7(Revised) that a new permanent dwelling should only be allowed to support existing agricultural activities where it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. The Annex also indicates that such a requirement may arise if workers are needed to be on hand day and night to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

8. The appeal site occupies just under 0.4 ha of rough grassland on the western side of Long Lane, and forms part of the agricultural holding of some 1.6 ha which includes Shantock Nursery to the south. Mr C Bryant acquired the holding in 1990, but since 1995 it has been held in trust for the partnership which operates the business (Mr C Bryant and his sons, Mr R Bryant and Mr K Bryant). Buildings on the nursery site include a glasshouse of some 900 sq m, and a number of polythene tunnels, all constructed after Mr C Bryant acquired the holding. Mr C Bryant owns and occupies the bungalow at Meadow Farm, which adjoins the nursery on the west.

9. I recognise that changes in weather conditions can be sudden and may occur at any time of the day or night, and that it is therefore necessary to monitor the environment of plants - whether under glass or polythene, or in the open - on a virtually continuous basis for much of the year. I also accept that in the event of emergencies - for example a loss of power for heated tunnels or glasshouses, or storm damage - rapid remedial action is likely to be needed to prevent loss of, or serious damage to, plants. It was agreed that it would not be practicable to fit

automatic monitoring and control systems in the polythene tunnels, and that in any case such devices can fail.

10. In the light of these considerations I share the County Land Agent's view that it is essential for there to be one experienced member of staff readily available on or near the nursery at all times. Although Meadow Farm is not part of the nursery or the subject of an agricultural occupancy condition, it was accepted during discussion that Mr C Bryant in practice provides emergency cover for the business when other partners or employees are not available.

11. It was argued that an additional resident worker is now needed to cope with out-of-hours weather changes and other emergencies. However, although the market for the nursery's products is expanding at some 5% annually, I note that the enterprise is currently operating satisfactorily with only 1 resident worker (Mr C Bryant). In these circumstances I am not persuaded that it is essential for the proper functioning of the enterprise for 2 workers to be readily available at most times.

12. Reference was made to the extant, but unimplemented, planning permission for an additional glasshouse at the nursery which would have a floor area of some 2800 sq m, and require the employment of 4 extra full-time workers and possibly 2 part-timers. It was argued on behalf of the appellants that the new facility has not been constructed because of the need it would generate for an increased permanent presence close to the holding. However, it is clear from paragraph 15 of Annex I of PPG 7(Revised) that a new permanent dwelling to support agricultural activities can only be justified when there is an established existing functional need. It follows that a new permanent dwelling at the nursery cannot be justified on the basis of possible future development.

13. The ADAS reports submitted on behalf of the appellants suggest that customer orders often come into the nursery early in the morning or late in the evening, and need to be put together at short notice. However, I do not consider that an additional resident worker is needed to handle such orders, given that they are currently dealt with by Mr C Bryant, and that he can call for assistance if necessary from his wife (who is an employee of the nursery), or one of the other appellants (who both live in Bovingdon only 10 minutes drive away).

14. In the light of my finding that there is not an established agricultural need for a permanent dwelling at the appeal site, I consider that the appeal proposal would represent an inappropriate form of development in the Green Belt, contrary to existing national and development plan policy objectives.

15. That is not the end of the matter, as it is necessary to consider whether there are any very special circumstances that might otherwise justify the scheme. This is a balancing exercise in which any harm caused to the Green Belt by reason of

inappropriateness, and any associated harm to the countryside, must be weighed against the merits of the proposal.

16. Paragraph 3.2 of PPG2(Revised) advises that inappropriate development is, by definition, harmful to the Green Belt, and that it is for the applicant to show why planning permission should be granted. Although the application drawings indicate that the existing hedge along the appeal site boundary with Long Lane would be retained, the proposed house would nevertheless be clearly visible from that road. Moreover, despite the scattered development adjoining the southern section of Long Lane, the road has, in my opinion, retained its essentially rural appearance. I therefore consider that the proposal would be intrusive in this setting, and result in a harmful reduction in the openness of the Green Belt.

17. There do not seem to me to be any positive factors to weigh against the harm to the Green Belt which I have identified. Furthermore, given the Council's view that this part of the Green Belt is under pressure, I share their concern that the granting of planning permission for the appeal proposal would make it more difficult to resist similar developments elsewhere in the locality. Such developments would, in my view compound the harm resulting from the appeal proposal which I have identified, by further eroding the openness of the Green Belt. I therefore conclude that the appellants have not demonstrated that there circumstances of such a very special nature as to outweigh the harm that would be caused to the Green Belt.

18. I have considered all the other matters raised, but none is sufficient to overcome the considerations which have led to my conclusion on the main issue.

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

Yours faithfully



COLIN GRIMSEY JP BSc(Hons)
Inspector

Reference: T/APP/A1910/A/98/297750/P8

APPEARANCES

FOR THE APPELLANT

Mr A J G Slaymaker MSc ARICS	- Agricultural expert ADAS
Mr M J Adams	- ADAS Assistant to Mr Slaymaker
Mr C A Bryant	- Shantock Nurseries Appellant
Mr R J Bryant	- Shantock Nurseries Appellant

FOR THE LOCAL PLANNING AUTHORITY

Mr P S Newton BA(Hons) MRTPI	- Dacorum Borough Council Senior Planning Officer
Mr J E Hunt	- Hertfordshire County Council Land Agent, Rural Estates

DOCUMENTS

Document 1 - List of persons present at the hearing

Document 2 - Notification of hearing and circulation list



PLANNING

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH

PICKWORTHS
6 VICTORIA STREET
ST ALBANS
HERTS

Applicant:

R C & K BRYANT T/A SHANTOCK NURSERIES
SHANTOCK NURSERIES
SHANTOCK LANE
BOVINGDON, HEMEL HEMPSTEAD
HERTFORDSHIRE
HP3 0NG

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01813/97/OUT

SHANTOCK NURSERIES, SHANTOCK LANE, BOVINGDON, HEMEL
HEMPSTEAD, HERTFORDSHIRE, HP3 0NG
ONE DWELLING

Your application for outline planning permission dated 06 November 1997 and received on 02 December 1997 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 05 March 1998

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01813/97/OUT

Date of Decision: 05 March 1998

. The site is within the Metropolitan Green Belt on the adopted Dacorum Borough Local Plan wherein permission will only be given for use of land, the construction of new buildings, or 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.