

**Dacorum Borough Council
Planning Department**

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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01835/00/ROC

ADJ., ASTROPE LANE, LONG MARSTON, TRING, HERTS
REMOVAL OF CONDITION 6(STABLE BUILDING AND STEEL CONTAINER
DEMOLISHED AND RESULTANT MATERIALS REMOVED FROM SITE PRIOR TO
USE OF NEW BUILDING) OF PLANNING PERMISSION 4/00973/98(DEMOLITION
OF STABLES AND CONSTRUCTION OF STEEL FRAMED SHED)

Your application for removal of a condition on a previous permission dated 10 October 2000 and received on 16 October 2000 has been **REFUSED**, for the reasons set out overleaf.

A handwritten signature in black ink that reads 'David Noble'.

Development Control Manager

Date of Decision: 18 December 2000

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01835/00/ROC

Date of Decision: 18 December 2000

1. The proliferation of buildings on the site detracts from the rural character and appearance of this open agricultural land and, accordingly, their retention is contrary to Policy 5 of the Dacorum Borough Local Plan and Policy 5 of the Dacorum Borough Local Plan 1991–2011 Deposit Draft.



Appeal Decision

Site visit made on 02 October 2001

by Isobel McCretton BA (Hons) MCRIPI

an Inspector appointed by the Secretary of State for Transport
Local Government and the Regions

	ED	DP	DC	EC	SS
Rec'd. 16 OCT 2001					Planning Inspectorate 4/09 Kite Wing Temple Quay House The Square Temple Quay Bristol BS1 6PN 0117 372 6372 e-mail enquiries@planning-inspectorate.gsi.gov.uk
Comments:					Date: 15 OCT 2001

Appeal Ref: APP/A1910/A/01/1067901
Astrove Lane, Long Marston

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by I P Gregory against the decision of Dacorum Borough Council.
- The application (Ref.4/01835/00/ROC), dated 10 October 2000, was refused by the Council by notice dated 18 December 2000.
- The application sought planning permission to retain buildings or works without complying with a condition attached to planning permission (Ref.4/00973/98), dated 26 November 1998, for demolition of stables and construction of steel framed shed.
- The condition in dispute is no.6 which states that: The stable building and steel container currently on the site shall be demolished/removed and the resultant materials removed from the site prior to the building hereby permitted being brought into use.
- The reason given for the condition was: To safeguard the visual character of the immediate area.

Summary of Decision: The appeal is allowed and planning permission is granted subject to conditions in the terms set out in the Formal Decision below.

Main Issues

1. I consider that the main issue in this case is the effect of the retention of the stables and container on the character and appearance of the rural area.

Planning Policy

2. The Development Plan for the area includes the Hertfordshire Structure Plan Review 1991-2011 adopted in 1998, and the Dacorum Borough Local Plan adopted in 1995. Policies 1, 40 and 41 of the Structure Plan aim to promote sustainable development, protect the best and most versatile agricultural land and improve and protect tree and hedge cover. Policy 5 of the Local Plan sets out uses considered appropriate to rural areas. This policy also allows small-scale buildings appropriate to those uses if they have no significant impact on the character of the countryside. Policy 8 gives criteria which should be met by new development to ensure a high standard, and these are amplified by policy 9 which enables Environmental Guidelines found in Part 5. Policy 10 refers to the use of planning conditions and obligations.
3. The Local Plan is subject to review and the Dacorum Borough Local Plan 1991-2011 Deposit Draft was published in 1998. Objections have been the subject of a public inquiry and the Inspector's report is awaited. Policy 5 replicates that of the adopted Plan, and

policies 9, 10 and 11 effectively replicate adopted policies 8,9 and 10. Policy 106 refers to agriculture, farm diversification and re-use of rural buildings. The emerging Plan is at quite an advanced stage and so I accord the policies considerable weight.

Reasons

4. The stables are a wooden structure situated along a track running from the entrance to the site from Astrope Lane. The new shed, located about 100m along another track which runs parallel with the public footpath, is of dark steel cladding. The container is situated on the opposite side of the field from the other two buildings, adjacent to the hedgerow. The general landscape is one of grazing meadows surrounded by hedges, with some residential properties beyond to the south-east. The Council is concerned that the retention of the stables and container on the site, following the erection of the shed, results in a proliferation of buildings which is harmful to the character and appearance of the rural area. Also, it considers that without a condition that sought removal of the stables and container, planning permission would not have been granted for the shed. There is no dispute between the parties that the shed has been brought into use thereby causing the condition to take effect. However the appellant has argued firstly that the stables are essential for the welfare of the animals which graze in the field and to comply with regulations for the keeping of cattle, and secondly that the condition is imprecise and does not meet the tests of Circular 11/95: The Use of Conditions in Planning Permissions.
5. The Council argues that the stables, sited towards the front of the site, create a proliferation of buildings when seen in conjunction with the other structures, and that combined, they have an impact which detracts from the rural character of the area. However the new shed is already partially screened by existing trees and bushes when viewed from the access from Astrope Lane. Contrary to the Council's opinion, I consider that new planting put in by the appellant will eventually screen the shed and most of the stable block from this view, though I agree that this will take time to mature. The stables are, as stated in the Council's committee report, a modest building of a character appropriate to a rural area, and were given planning permission in this fairly prominent location three years ago. I consider that retention of the stables, needed for the welfare of the livestock, in conjunction with the shed would not be harmful to the rural character of the area or compromise its openness. Even in the more open view from further along the footpath, I do not consider that the view of the 2 buildings together has an unacceptable effect on the rural landscape.
6. Although the appellant considers that the condition is both unreasonable and imprecise, the appellant did not exercise his right of appeal against the condition in 1998, but instead demolished a livestock shelter to which the condition did not refer. The appellant suggests that there is ambiguity as to whether the Council has properly considered the correct container and its location, as the description more closely matches that of a previous container on the site which was in a different position. In this regard, it is argued, the condition is imprecise and therefore invalid in terms of Circular 11/95. However, from the evidence submitted, in my opinion it is apparent that there has only been one container on the site during the course of consideration of the planning application for the shed, the application for relief from the condition and the current appeal. The appellant states (annexe 9) that the existing container was placed in the field following the removal of a previous steel container in 1993. While issue is taken with the description of the present structure as a 'steel' container, this description, which has been used since the planning permission for the shed was granted, does not appear to have been questioned during this

time. Indeed, the appellant's letter (2 December 2000) clearly states that there had been only one container on site for the last 7 years i.e. since 1993, and there is no suggestion that it has been relocated during that time. I therefore consider that whether or not the container is incorrectly described as a 'steel' container, it is clear that the condition required the removal of the stables and the container now on the site. I therefore disagree with the appellant's assertion that it is imprecise such that it does not fit the tests of Circular 11/95.

7. The container is of a utilitarian nature and even though it is painted green and is located at the side of the field away from the footpath, I agree with the Council that it appears alien in this rural setting. While it may have been considered to be permitted development at the time that the enforcement investigation took place, it is not, as the Council remarked in its letter of 5 March 2001, unreasonable to require its removal in the context of further development taking place on the site. As the appellant argues, it is not seen from many public vantage points in conjunction with the other 2 buildings. Nevertheless I agree with the Council that it gives an impression of scattered structures in the landscape which, when considered with the other 2 buildings on site, I consider to be detrimental to the character of the area.
8. I therefore conclude that while it is acceptable not to comply with condition no.6 by retaining the stables, there should be compliance with the condition in respect of the removal of the container as it is an uncharacteristic feature damaging to the character and appearance of this rural area, contrary to policy 5 of the Local Plan.

Conditions

9. I note that the appellant has stated (letter of 2 December 2000) that the container is to be removed regardless of the outcome of the application, and so I consider that it is necessary and reasonable that a condition be imposed to set a timescale for its removal. The breach of condition notice, which has not yet been pursued by the Council, required removal within 28 days, and I consider that this is appropriate.

Conclusions

10. For the reasons given above and having regard to all other matters raised, including the petition in support of the retention of both structures, I conclude that the appeal should be allowed with a new condition requiring the removal of the container.

Formal Decision

11. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the retention of a steel framed shed at Astrope Lane, Long Marston in accordance with application (ref:4/01835/00/ROC) dated 10 October 2000, without compliance with condition no.6 set out in planning permission (Ref/00973/98) dated 26 November 1998 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:
 - 1) The green container situated on the north-western side of the site shall be removed from the appeal site within 28 days of the date of this decision.

Information

12. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

Robert McClellan

INSPECTOR