

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To D M Holder  
16 Little Gaddesden  
Berkhamsted  
HP4 1PA

... CONVERSION OF FARM BUILDING TO FORM DWELLING

at LITTLE BROWNLOW FARM, NETTLEDEN ROAD,  
... LITTLE GADDESSEN


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  
... 15 November 1989 ... and received with sufficient particulars on  
... 17 November 1989 ... and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

There is insufficient justification to permit the conversion of this building to residential use on agricultural or other grounds as an exception to the national and local policies which seek to protect the countryside from further residential development, particularly in a designated Area of Outstanding Natural Beauty.

Dated ... 22 ... day of ... February ... 19 90

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 the date 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.



# Planning Inspectorate

Department of the Environment

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Your Reference:

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Our Reference:

T/APR/A1910/A/90/157864/P7/RTMENT

Date

19 DEC 90

20 DEC 1990

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR D M HOLDER  
APPLICATION NO:- 4/1892/89

Comments

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 Borough Council to refuse planning permission for the conversion of a redundant farm building into a dwelling at Little Brownlow Farm, Nettleden Road, Little Gaddesden. I conducted a hearing into the appeal on 14 November 1990.
2. Following discussions with council officials you have prepared a revised plan of the proposed building alterations, and have provided a letter from the Director of Planning to say that the revisions are acceptable, but in design terms only and on no other grounds. The council confirmed at the hearing that it would have no objection to the substitution of this plan for the original, and although it appears to me that local residents may not have seen the revised proposals I am satisfied they represent an improvement over the original scheme and in the circumstances I have dealt with the appeal on the basis of this revised plan.
3. The appeal site, comprising the building in question and a small area of land around, forms part of your client's agricultural smallholding of 3.85ha. The building lies adjacent to Little Gaddesden House, a large country mansion which has been converted in recent times into 9 dwelling units. There are other scattered dwellings in the area and the village of Little Gaddesden is near, but essentially, for planning purposes, this is an area of open countryside where national and local policies presume against inappropriate new development. The advice in Planning Policy Guidance Note 7 on Rural Enterprise and Development, and indeed in the draft local plan which appears to indicate that local policies are moving towards this same approach, is that even in open countryside proposals for the re-use of redundant buildings should not be rejected unless there are specific and convincing planning reasons that cannot be overcome by conditions. However, the appeal site is in an Area of Outstanding Natural Beauty and PPG7 goes on to point out that new development will be subject to special scrutiny, to ensure it fits properly into its surroundings. From my inspection of the site and its surroundings and examination of the representations, I consider the main issues to be decided in this case are, first, whether the building is redundant, secondly, the impact of the proposals on the landscape, and, thirdly, the effect on the amenities of neighbouring properties.

4. With regard to the first of these issues, the question of whether the building is redundant was considered in the process of determining the second of two previous appeals on the site. At that time, in early 1989, it was the Inspector's conclusion that the building was not agriculturally redundant, having regard to your client's expansion plans at the time. Now, it is your submission that the building requirements have been met by the construction of two purpose-built buildings on the holding. You further contend that the building is functionally obsolete for agricultural purposes.

5. I saw that the building is not in use at present and I accept that the building needs of this small agricultural unit are likely to be satisfied by the new buildings. I also accept that the building has very severe limitations for modern-day agricultural purposes. However, in my opinion, the building is not necessarily rendered totally redundant simply by the provision of other structures: indeed it seems to me that if this were so there would be a serious loophole in the planning system which would largely defeat the objective of protecting the countryside from unnecessary development. Thus, while the building may be surplus to present day needs on this particular land holding, it is not inconceivable, in my view, that the pattern of land holdings in the area could change at some stage and the building could still be put to agricultural use, despite its functional limitations. Nevertheless, it seems clear to me that the intention behind the advice in the Guidance Note is that buildings of substance and merit should wherever possible be put to productive use, rather than allowed to deteriorate. In this case, the council has acknowledged that the building has some architectural merit, is clearly far from being irretrievably derelict and in these circumstances I have concluded that an alternative use should not be ruled out.

6. Moving onto the second issue, this is open countryside, where inappropriate development would not normally be permitted. Moreover, it is an Area of Outstanding Natural Beauty and the preservation of the landscape is the prime consideration. In the first appeal on this site, dealt with in 1985, the Inspector found that conversion of the building to a dwelling would be intrusive and detrimental to the rural landscape. Since then the site has become somewhat obscured by the new buildings put up by your client and in this scheme you have proposed measures to limit the changes to the outward appearance and thereby reduce the impact of the development on the landscape and the setting of Little Gaddesden House. Alterations to the building would be kept to the minimum, the surroundings would remain largely untouched and your client would be prepared to accept restrictions on permitted development rights, both in respect of the appeal site and the construction of agricultural buildings on the rest of the holding.

7. In my view it would be extremely unlikely that such measures would prove effective for very long. Future residents would find it difficult to understand and accept that the pastoral appearance of the site should be maintained, and even if effective control could be imposed by condition, the council is likely to come under considerable pressure at times to relax the control. Moreover some outward evidence of residential occupation would be inevitable and uncontrollable - the parking of cars, the construction of paths and driveways, the provision of washing lines, etc - all of which would alter the appearance of the site from a simple agricultural building in a field to a residence in a domestic curtilage. In this position, in an Area of Outstanding Natural Beauty and in view from a public bridle path to the south and east, I consider the proposed development would constitute an unnecessary intrusion, damaging to a fine rural landscape and to the elegant setting of Little Gaddesden House.

8. The proposal is not opposed by the council on grounds relating to the third issue, but this aspect is the subject of representations from local residents and the Rural Heritage Society. This was also one of the concerns of the Inspector dealing with the first appeal on the site. The building is immediately in front of and quite close to two of the residences in Little Gaddesden. Since the representations are that the building was part of Little Gaddesden House it is unfortunate that the problem was not foreseen at the time the property was subdivided and converted, and it is not inconceivable that the use of the building for agricultural purposes could cause a nuisance to residents. Nevertheless, and despite your client's proposal to erect a 2m high wattle fence along the western boundary of the appeal site, I consider that the relationship between the proposed dwelling and the nearest dwellings in Little Gaddesden House would be unsatisfactory. As part of your suggestions for limiting the outward changes to the building it seems to me inevitable that residential activities would be concentrated in and around the courtyard formed by the building. In my view there is insufficient separation between the respective living areas, and reasonable levels of privacy in all three properties would be lacking as a result.

9. In reaching a decision in this appeal I have considered all other matters raised in the representations, including your submissions regarding other conversions that have taken place in the area. It appears to me that in each case circumstances are likely to be different but in any event none of these examples alters my view that the present proposal is undesirable. I have also taken into account the support for the proposal by others on grounds that conversion would be preferable to deterioration, but neither this argument nor any others you have advanced in this case affects my conclusions.

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

I am Gentlemen  
Your obedient Servant



C H FLOYD DipTP MRTPI  
Inspector