

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

DD

To Mr Tom Batchelor
Wood View Nurseries
Tinkers Lane
Wigginton
Tring
Herts

Mr P J Fountaine
27 Castle Street
Berkhamsted
Herts

.....One Dwelling.(Outline).....
.....
at Wood View Nursery, Tinkers Lane, Wigginton, Herts.....
.....

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 dated21.10.88..... and received with sufficient particulars on27.10.88..... and shown on the plan(s) accompanying such application..

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

1. 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.
2. The adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of this policy.
3. The proposal is not supported by evidence of local need sufficient to satisfy Policies 4 and 5 of the adopted Dacorum District Plan. Reason 4 please see overleaf.....

Dated ..Second..... day of ..February..... 1989

Signed..... *[Signature]*

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.

Continued from Page 1...

4. The proposal represents an undesirable addition to this isolated ribbon of development and may establish a damaging precedent for other sites in the vicinity.



Planning Inspectorate
Department of the Environment

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D/1509/KSM/P

~~JDA~~
~~2/08~~

P J Fountaine Esq
28 Castle Street
BERKHAMSTED
Herts
HP4 2DW

Your reference

Our reference
T/APP/A1910/A/89/121875/P4

Date

13 DEC 89

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR T BATCHELOR
APPLICATION NO:- 4/1975/88

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 outline planning permission for an horticultural dwelling at Wood View Nursery, Tinkers Lane, Wigginton, Tring. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me. I inspected the site on 22 August 1989.
2. From my inspection of the appeal site and its surroundings and from examination of the written representations I consider the main issues in this appeal are, firstly, whether there are sufficient reasons to override the strong presumption against development in the Green Belt and, secondly, the effect the proposal would have on the character and appearance of the surrounding countryside and especially the Area of Outstanding Natural Beauty.
3. On the first issue, the site is located within the Metropolitan Green Belt. Proposals to build agricultural dwellings in Green Belts need careful scrutiny but in essence the same principles, which have been set out in national and local policies, apply as in rural areas generally. Additional accommodation cannot normally be justified unless the agricultural enterprise is viable. The need for the dwelling on the farm rather than in a nearby village, hamlet or existing group of dwellings has to be established and even then care has to be taken to choose a site which is well related to existing farm buildings. I am satisfied that the nursery is a viable business enterprise, having been well established for a number of years, and that it would be convenient for Mr Batchelor's family business to have the dwelling on the site. However, I am not convinced that there is a sufficiently firm need for the dwelling, either in terms of the requirements of the horticultural nursery itself, the needs of local horticulture more generally, or the need for the services and facilities provided by the nursery in the locality.
4. I note for example that Mr Batchelor's son, for whom the dwelling is intended, already works at the nursery and lives locally. There is no suggestion that he cannot do his job at the nursery whilst living in his present house, that he is inadequately housed, or that he or any other worker would have to leave the business if the dwelling were not made available. Nor is there any suggestion that were Mr Batchelor's son to leave the nursery the new dwelling would be necessary to attract replacement workers. The nursery is not in a particularly isolated

location. Moreover, although the nursery is sustained by long hours of work you have not argued that the nature of the work on the nursery makes it necessary to have someone living there to provide day and night emergency cover to prevent losses, protect property or discourage trespass. There are already 2 dwellings within the curtilage of the holding and the nursery has operated on a viable basis without any additional accommodation being provided. Notwithstanding this lack of a clear need it is also the case that the dwelling would not be very close to the existing buildings on the nursery site and would be too far removed from the houses and buildings in Tinkers Lane for it to be properly considered a part of the existing small settlement there.

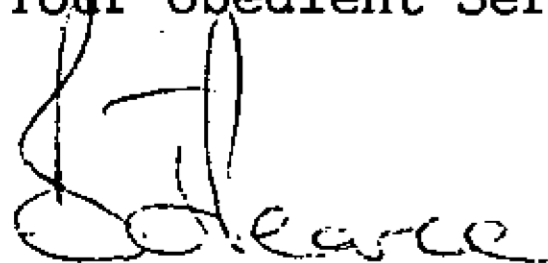
5. On the second issue, the site is located within the Chilterns Area of Outstanding Natural Beauty. Whilst it is accepted policy to encourage agriculture in this area it is also policy to preserve the natural beauty of the landscape, to conserve wildlife and, in order to protect the character of the villages and countryside in the area, to resist development in the open countryside or where it would extend the limits of village development. Although you have not identified the exact position of the proposed dwelling the extent of the woodland on the site does mean that there would be some loss of trees and other greenery. Were the dwelling to be located towards the site's eastern boundary this would spoil the appearance of an uninterrupted expanse of woodland by opening up a gap in what forms an important landscape feature along Rossway Lane and which is clearly visible across the adjacent farmland. On the other hand, if it were to be located further west it would be visible from Tinkers Lane, the proposed accessway helping to open up the view of the site. The impression given would be that of one or two houses isolated from the main body of the small settlement along Tinkers Lane and of the settlement being physically extended into the countryside. Furthermore, it would thereafter be more difficult for the local authority to resist applications for infilling development to the detriment of safeguarding the countryside from further encroachment and thus the character and appearance of this rural locality.

6. In summary, I see no good reason in this case to override the strong presumption against development in the Green Belt. I do not feel that you have established the need of the horticultural nursery and thus the locality it serves for the dwelling. Furthermore, I feel that the proposal would harm both the objectives of the Chilterns Area of Outstanding Natural Beauty and the character of the local countryside, in view of its siting, the loss of trees having an important landscape value it would involve, and because it would cause encroachment into the open countryside.

7. I have taken into account all other points raised in the representations, including the personal circumstances of the Batchelor family and your arguments for favouring small local businesses as opposed to multi-national organisations, but have found nothing of such significance as to outweigh the material planning considerations which have led to my conclusions.

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

I am Sir
Your obedient Servant



B J PEARCE PhD MA(Cantab) BSc(Hons) DipTP(Wales) MRTPI
Inspector

Difficult to comment on the proposal without details of the position and size of the proposed dwelling. Generally the eastern half of the site is part of an established woodland. The trees along the edge of this woodland could be pruned back, but the remaining trees on the south and east sides would dominate the site. Woodland comprises mainly oak and beech with some cherry and hornbeam; this is an important landscape feature along the road boundary. Objects to any proposal which would lead to removal or pressure for removal of trees.

Local Resident

Objects - proposed dwelling is in the Green Belt and an Area of Outstanding Natural Beauty. Sufficient accommodation already exists for the applicant and his brother.

CONSIDERATIONS - The site is located within the Green Belt where strong presumptions against development apply. This is reinforced by development plan policies in the Chilterns Area of Outstanding Natural Beauty. One of the exceptions to these policies, which are supported by advice from Central Government, is development for needs essential to agriculture. It is on the basis of agricultural need that the application is made. The two main considerations are therefore, is the dwelling essential to the needs of agriculture, and the impact that the proposal would have on the Green Belt and the AONB. The applicant already controls two properties on the nursery, and one of his sons who works on the nursery lives in Wigginton, only 2 to 2½ miles away. It is difficult to argue that additional accommodation is therefore necessary. In dismissing an appeal for a dwelling on the application site, the point that the then appellant (the applicant's late father) occupied two nearby dwellings was made (ref W636/66). Development Control Policy Note 4 (para 10) raises the question of whether additional residential accommodation for agricultural workers is necessary ~~or~~ convenient: the occupant could live in the nearest village. Furthermore Policy 25 of the District Plan aims to locate agricultural workers' dwellings within existing settlements.

In the absence of justified need, normal planning considerations apply, and as the site is within the Green Belt, there is the general presumption against development. The proposal would represent an undesirable addition to this isolated ribbon of development, which was built before formal planning controls and the concept of Green Belts were introduced. The dwelling if built may also lead to pressure for the removal of trees to its east and south to gain extra light; these trees are an important characteristic of the visual quality of Rossway Lane.

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

1. 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.

2. The adopted Dacorum District Plan shows the site to be within the Chilterns Area of Outstanding Natural Beauty wherein the policy of the local planning authority seeks to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development having particular regard to the siting, design and external appearance of buildings. The proposed development is unacceptable in the terms of this policy.
3. The proposal is not supported by evidence of local need sufficient to satisfy Policies 4 and 5 of the adopted Dacorum District Plan.
4. The proposal represents an undesirable addition to this isolated ribbon of development and may establish a damaging precedent for other sites in the vicinity.

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