

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To	CTM Farms Co	Fuller Hall & Foulsham
	Gade House	81a Marlowes
	Little Gaddesden/Ivy House Lane	Hemel Hempstead
	Berhamsted Herts	Herts

Agricultural workers dwelling (outline) at ... Gutteridge Farm, Ivy House Lane, Berkhamsted, Herts	Brief description and location of proposed development.
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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 16.11.88 and received with sufficient particulars on 17.11.88 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. Insufficient need has been proven for a dwelling of the size and position proposed, and consequently is unacceptable in the terms of this policy.
2. The proposed dwelling due to its location and prominent siting would represent an undesirable intrusion into the appearance of this particularly attractive area of open countryside.

Dated 16th day of March 19 89

Signed..... *Wm Barnard*

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.



Planning Inspectorate
Department of the Environment

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~~1/2/89~~
 2/2/89

REC'D	ESTD	PL	DO	PLC	Admin.	File
Received					19 OCT 1989	
Comments						

Fuller, Hall & Foulsham,
 81A Marlowes,
 HEMEL HEMPSTEAD,
 Hertfordshire
 HP1 1LF

Your Reference:
 4121
 Our Reference:
 T/APP/A1910/A/89/125110/P5
 Date: 18 OCT 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY C.T.M. FARMS CO.
 APPLICATION NO :- 4/2106/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission, in outline, for the erection of a controlling farmhouse with ancillary offices for Gutteridge Farm and Woodhill Farm, on land at Ivy House Lane, Berkhamsted. I have considered the written representations made by you and by the Council, the Nettleden with Potten End Parish Council, the Berkhamsted Town Council, the Hertfordshire Conservation Society and by other interested persons. I inspected the site and its surroundings on 3 October 1989.

2. The appeal site lies to the south of the existing farmyard and comprises part of a large arable field which falls towards the south-east. Between the site and Ivy House Lane is a modest single-storey wooden clad dwelling, and to the north of the farmyard are other larger dwellings aligned east-west. Agricultural buildings to the north of the farmyard but not associated with it have been converted to residential use. The site lies within the Metropolitan Green Belt.

3. From my inspection of the site and the surrounding area and from the representations made, I consider that the principal issues in this case are, firstly, whether there is an agricultural need sufficient to justify a dwelling in the Green Belt where there is a very strong presumption against development, and secondly, the likely impact of the proposal on the local landscape.

4. The Council state that the site lies within the Green Belt as defined in the Hertfordshire County Structure Plan and the adopted Dacorum District Plan, which together form the statutory Development Plan for the area. Policies in these plans seek to restrict development in the Green Belt to uses which are appropriate or necessary in rural areas, such as agriculture, forestry or recreation. Your client at present operates Gutteridge Farm from his home some 4 miles distant at Little Gaddesden. The farmbuildings are currently unsupervised and have suffered from vandalism and arson, and it is considered there is a need for a dwelling for security purposes. It is also intended to convert the large barn to keep cattle immediately north of the appeal site, and a person to supervise this operation would be required to live close by.

5. The application is supported by the Agriculture Development and Advisory Service (ADAS) and the National Farmers' Union. ADAS regard Gutteridge Farm as a viable unit and consider that a dwelling is clearly essential to ensure the continued safe use of the farmbuildings. If the proposed beef unit is established, they consider a dwelling would be essential on stock husbandry grounds as well, and ideally consider the dwelling should be within sight and sound of the buildings.

6. In these circumstances, on the first issue, I consider that there is sufficient justification for a dwelling on agricultural grounds to override the presumption against development in the Green Belt.

7. I am mindful that when the case for building a dwelling on a farm is accepted, its siting must be considered on ordinary planning criteria having regard to existing features such as buildings and trees as well as the contours of the land. In policy terms I note the District Plan includes policies, particularly nos. 24 and 25, which seek to protect important views and to avoid any detrimental impact of development on the countryside. This leads to consideration of the proposal in terms of the second issue: its likely impact upon the landscape.

8. The site lies on the crest of the south facing slope of the valley in an extremely exposed position and any house and offices here would be clearly visible in the local landscape, from the A41, for example, as well as from closer quarters from parts of Ivy House Lane. In my view it would be a seriously harmful intrusion into what I regard as a very attractive landscape, and even though I accept that there is a need for a person to live close to the farm I consider this does not justify the proposed location.

9. I am mindful that the application is in outline, but from the size of the site and the footprint of the buildings indicated, I conclude that the dwelling and ancillary offices intended would be a very dominant feature in the landscape. It seems to me that little regard has been paid to the local topography or the desirability of protecting the landscape. I note your reference to the likelihood that the dwelling would mask the large barn to the north from view from the valley, but I do not consider this to be an acceptable argument for a dwelling which would itself be seriously intrusive in the local landscape. Nor do I consider that landscaping of the site and the planting of "forest trees" would satisfactorily reduce the intrusive effect.

10. I acknowledge your client's problem of the limited space available within his ownership. However, in my view, this and the accepted need for a person to live close to the farm does not justify the large and prominent extension into the Green Belt countryside which this proposal represents. I am also mindful that there is a dwelling currently for sale close to the farm, and as the Council point out, you produce no evidence of efforts made to find alternative accommodation nearby or an alternative and less obtrusive siting. On the second issue, therefore, I conclude that the proposal would result in serious harm to the landscape, and for this reason I consider it unacceptable.

11. I have taken account of all the other matters raised, but they do not outweigh the considerations that have led me to my decision.

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

I am Gentlemen
Your obedient Servant

M D Shaw.

M D SHAW MA(Oxon) MA MRTPI
Inspector

DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER