

H.C.C. Code No. **W/730/65**

L.A. Ref. No. **58/65**

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the ~~BOROUGH OF~~

URBAN DISTRICT OF **TRING**

~~RURAL DISTRICT OF~~

23 APR 1965

TOWN & COUNTRY PLANNING ACT, 1962

To Messrs. North, Hyde & Gibbons,
Architects for J.R. Hodder, Esq.,
Norfolk House,
Station Road,
CHESHAM, Bucks.

Outline application for the erection of livery stables, a Riding School and dwelling
on land adjoining Roundhill Wood, Cholesbury Road, Wigginton, Nr. TRING, Herts.

Brief description and location of proposed development.

In pursuance of their delegated powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council on behalf of the Local Planning Authority hereby refuse the development proposed by you in your application dated **30.3.65.** and received with sufficient particulars on **31.3.65.** and shewn 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 a proposed extension of the Metropolitan Green Belt where it is the policy of the Local Planning Authority not to allow development unless it is required for agricultural or allied purposes. No such need has been proved.
2. The proposed development would increase the existing development along Cholesbury Road contrary to the planning proposals for the area that any further development should be limited to that essential to local needs in order to maintain the amenities and character of the area which lies in a proposed extension to the Metropolitan Green Belt and also within an area of Great Landscape Value.

Dated **21st** day of **April,** 19 **65.**

[Signature]
~~Clerk~~ Clerk/Surveyor of the Council.

NOTE.

(1) If the applicant wishes to have an explanation of the reasons for this refusal it will be given on request and a meeting arranged if necessary.

(2) 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 by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 23 of the Town and Country Planning Act, 1962. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such 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 provision of Section 17(1), 18(1) and 38 of the Act and of the Development Order and to any directions given under the Order.

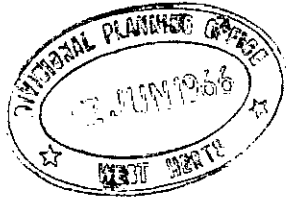
(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Minister of Housing and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot 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 Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 129 of the Town and Country Planning Act, 1962.

(4) In certain circumstances, a claim may be made against the local planning authority or the Minister of Housing and Local Government for compensation, where permission is refused, or granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 123 and Part VI of the Town and Country Planning Act, 1962.

MINISTRY OF HOUSING & LOCAL GOVERNMENT

REF APP/1743/A/96879
1843
W/730-65

*Notes for
letter LMS 13/2/68*



16th May, 1966.

Gentlemen,

Town and Country Planning Act 1962 - Section 23
Appeal by Mr. J.R. Hodder - Land adjoining Roundhill Wood
Cholesbury Road, Wigginton

1. I am directed by the Minister of Housing and Local Government to say that consideration has been given to the report of his Inspector, Mr. J.K. Watson, C.B.E., M.I.C.E., A.M.I.Mun.E., A.M.T.P.I., who held a local inquiry into your client's appeal against the decision of the Tring Urban District Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for the erection of livery stables, riding school and dwellinghouse on the land described in the heading to this letter (Application No. W/730/65).
2. The Inspector, a copy of whose report is enclosed, was of the opinion that a riding school and livery stables would not, in principle, be inappropriate in a green belt, particularly if existing buildings could be used or extended. As the site lay in the Chiltern area of great landscape value and was one where buildings would detract from the rural character of the countryside the proposed development would be undesirable. The Inspector recommended that the appeal be dismissed.
3. The Minister has not yet completed his consideration of the first review of the county development plan, which includes the proposals for an extended green belt in Hertfordshire. Nevertheless, the local planning authority are, with his general agreement, exercising development control in accordance with the policy for the approved green belt and under that policy there is a presumption against new building. The Minister sees no reason to disagree with the Inspector's conclusions and he accepts his recommendation; accordingly he hereby dismisses your client's appeal.

I am, Gentlemen,
Your obedient Servant,

(H. C. HOLLINGTON)
Authorised by the Minister
to sign in that behalf.

Messrs. H.R. Hodder and Son,
Solicitors,
St. Mary's Road,
Harlesden,
London N.W.10.

HERTFORDSHIRE COUNTY COUNCIL

TRING URBAN DISTRICT COUNCIL

APPEAL

by

J. R. HODDER

Inspector: J. K. Watson, C.B.E., M.I.C.E., A.M.I.Mun.E., A.M.T.P.I.

Date of Inquiry: 17th March 1966.

APD/1742/A/06870

24th March 1966

To The Right Honourable Richard Crossman, O.B.E., M.P.,
Minister of Housing and Local Government.

Sir,

I have the honour to report that on Thursday, 17th March 1966 I held an inquiry (in the place of Mr. C. A. K. Innes-Wilson) at the Urban District Council Chambers, Tring, Hertfordshire into an appeal by Mr. J. R. Hodder under section 23 of the Town and Country Planning Act 1962, against the refusal of the Tring Urban District Council, acting on behalf of the Hertfordshire County Council, to permit the erection of livery stables, riding school and dwelling house on land adjoining Roundhill Wood, Cholesbury Road, Wigginton, near Tring, Hertfordshire.

1. The Reasons for Refusal are:-

- (a) The site is within a proposed extension of the Metropolitan Green Belt where it is the policy of the local planning authority not to allow development unless it is required for agricultural or allied purposes. No such need has been proved.
- (b) The proposed development would increase the existing development along Cholesbury Road contrary to the planning proposals for the area that any further development should be limited to that essential to local needs in order to maintain the amenities and character of the area which lies in a proposed extension to the Metropolitan Green Belt and also within an area of Great Landscape Value.

2. This report includes a description of the appeal site and surroundings, the gist of the representations made at the inquiry, and my findings of fact, conclusions and recommendation. Lists of appearances, documents and plans are attached.

THE SITE AND SURROUNDINGS

3. Tring is a small market town lying astride the A.41 Trunk Road about 7 miles south east of Aylesbury, 5 miles north west of Berkhamsted and about 16 miles north west of Watford.
4. The appeal site is about 2 miles south of Tring and about half a mile north east of Cholesbury in Buckinghamshire. The boundary between Hertfordshire and Buckinghamshire is about a quarter of a mile west of the site.
5. The site is nearly rectangular in shape, having an area of about 10 acres and a frontage of about 780 feet to the main Cholesbury to Wigginton road, which is a Class III County Road maintained by the local authority. This road is about 15 feet wide with grass verges on either side each about 14 feet wide.
6. The appeal site is at present a pasture field in agricultural use, and does not contain any buildings or structures, apart from a water trough near the access gate on to Cholesbury Road. There is a small valley running roughly through the centre of the site falling from north west to south east. (See Plan "B").

7. Along the north eastern boundary of the site there is a well established wood named Roundhill Wood. The north boundary adjoins a grass field, the northern boundary of which, also adjoins Roundhill Wood. The south-western boundary is marked by a well established hedge and a line of trees. The boundary along Cholesbury Road is marked by a high hedge in which there are a number of mature trees and a wire fence. There is a farm gate about 10 feet wide on this boundary situated about 250 feet from the southern corner of the site.

8. There is scattered development on the south eastern side of Cholesbury Road north eastwards and south westwards of the site. Adjoining the south-western boundary are the Cholesbury Road Nurseries, consisting of a dwellinghouse and glasshouses, and there is a single dwellinghouse to the north west of the site. Residential settlements have been established at Buckland, Cholesbury, and Hawridge Commons situated south west, south, and south south-east of the site, (see Plan "A"), but the area generally is in agricultural use.

THE CASE FOR THE APPELLANT

The material points are:-

9. The appellant purchased Parrotts Farm, which is about half a mile directly south west of the appeal site or about a mile by road, (see Plan "A"), and some 25 acres of adjoining land in 1955. The stables, barns, outbuildings and land were used by the appellant's daughter, Mrs. Brazil, as a riding school and livery stables.

10. Before the daughter got married in February 1965 she gave up the riding school but continued the livery stables. The closing down of the riding school was a great disappointment to many people who travelled considerable distances to the school. The parents of school children were also distressed at the closing of the riding school.

11. It was the disappointment of those who enjoyed the pleasures of the riding school which convinced the appellant that there was a real need for a riding school and livery stables in the district. Further justification of the need lies in the fact that no one would spend the money involved in the proposed development unless he was satisfied that the need existed to ensure a return on the investment.

12. The appellant's daughter purchased the appeal site in 1959 and a barley crop was sown and undersown with a special mixed pasture specially blended as suitable for horses. Since the barley crop was harvested the land has been used for grazing horses.

13. There is only one dwellinghouse on Parrotts Farm which is occupied by the appellant and his wife. The closeness of the dwelling to the stables, barns, and outbuildings makes the use of the stables unsuitable for a permanent riding school and livery stables. Furthermore there are not enough loose boxes to stable a sufficient number of horses to develop a riding school and livery stables sufficiently large in size to pay its way: nor is there any living accommodation for a permanent manager or manageress from which to manage such an establishment.

14. The appellant's daughter at present lives in a small hamlet, known as St. Leonards, which is situated about two miles to the south west of the appeal site; and she at present tends eight livery horses at Parrotts Farm. While she would have no objections to re-establishing her riding school at Parrotts Farm, this arrangement would no longer be acceptable to her father in view of the disturbance which would be caused.

15. As the countryside around the appeal site is most suitable for riding, and as many of the horses are grazed upon the site, and as there is a known need for a riding school and livery stables in the area, an application was submitted for the erection of a row

of modern stables with proper outbuildings and an architect-designed dwellinghouse. The appellant's daughter has not decided whether she would occupy this dwelling or have it occupied by a manager or manageress. The stables would consist of 12-15 loose boxes for horses, and an open stall type building for about 12 ponies, a harness room, and a storage barn.

16. The proposed development amounts to no more than transferring the riding school and livery stables from Parrotts Farm, where they have been established for some years, to the appeal site, and to the erection of a dwellinghouse which is so essential in an establishment of this kind where someone must live close to the horses in order to feed and attend to them at all times. This is, therefore, not a case which involves a departure from an established concern and there would be no increase in the scale of operations. Two nearby neighbours have no objections to the proposed development. (See Document 3).

17. It is noted that the site lies within a proposed extension of the Metropolitan Green Belt and not within the part of this Belt already approved by the Minister. As the proposed extension has not been confirmed it would be unfair to penalise the appellant by refusing to permit the proposed development on green belt grounds. Indeed, until the law has been enacted confirming the proposed extension of the Metropolitan Green Belt, no statutory enforcement should be applied by the Minister to prevent the proposed development on the grounds that the site lies within a proposed extension of this Belt.

18. The nature of the proposed development is such that even if the site were in an approved green belt area it would in no way detract from the amenities of such an area. Indeed a riding school, livery stables and a dwelling for a person to manage such an establishment are entirely in harmony with the rural character of the area and would enhance the local amenities. The refusal of the application on green belt grounds is therefore not justified particularly as a riding school can be considered as part of a rural country scene which would not detract from the landscape value of the area.

19. Horse manure from riding school and livery stables is valuable for the growing of mushrooms. The establishment of such stables must therefore represent a use, in some degree, allied to agriculture. The Council agree that there is no difference between an agricultural use and a use allied to agriculture. Since the development proposed is allied to agriculture then there can be no objections to permitting it within a proposed extension of the Metropolitan Green Belt.

20. The application is not a proposal for residential development in the countryside. Horses require constant attention and consequently there must be accommodation for someone to live near the stables to give this attention.

21. If the proposed development were permitted then the livery stables at Parrotts Farm would be removed. The appellant would then only keep a couple of horses for his own personal use. Furthermore there would be no question of another riding school becoming established at Parrotts Farm.

22. In order that the proposed development should harmonise with the countryside the appellant would be prepared to accept any reasonable conditions relating to the external appearance of the buildings and their surroundings which the local planning authority might consider desirable.

23. The proposed development would be better than that which exists in the locality of the appeal site and the dwelling required would probably be a double storey house. Indeed the appellant is very conscious of the need to preserve the rural characteristics of the countryside and its amenities.

24. About two miles north west of the appeal site, near the hamlet of Hastoe, the local planning authority permitted the establishment of an advanced riding school after the appellant's application had been refused. This application should have been included in the list of applications and appeals in the vicinity of the appeal site submitted by the Council (see Document 6). The present appeal should not be prejudiced in any way by the approval issued for the establishment of an advanced riding school at Hastoe.

25. There is very little traffic on Cholesbury Road and visibility splays on to this road from the site can be made to satisfy any standards the highway authority may wish to impose. (See Plan "B").

26. In regard to the objection (see Document 4) that the exit from the site of horses and riders may be dangerous to traffic on Cholesbury Road this is without foundation since horses and riders already made constant use of the existing farm gate into the site from the road. Also there would be no difference to the amount of damage caused to roadside verges by horses' hoofs.

27. If planning control is not to be brought into contempt the facts of the present application must be examined in detail. The proposed development is required to meet an essentially local need and no possible harm would be done to either the proposed extension of the Metropolitan Green Belt or the landscape value of the area if it were permitted.

THE CASE FOR THE LOCAL PLANNING AUTHORITY

The material points are:-

28. In the County Development Plan approved by the Minister in December 1958, the appeal site and the surrounding area lie within a 'white area', where no additional development is envisaged, and also within the Chilterns Area of Great Landscape Value.

29. In the First Review of the Development Plan submitted to the Minister in December 1963, the area, including the appeal site, is within a proposed extension to the Metropolitan Green Belt and again within an area of great landscape value. Moreover, the site is included within the Chiltern Area of Outstanding Natural Beauty which has recently been approved by the Minister.

30. The policy of the local planning authority is that within proposed and approved green belts only development essential for agricultural or other essential purposes should be allowed. In the opinion of the local planning authority the proposed development would not comply with this policy and is in fact the type of development which the green belt policy seeks to prevent.

31. South of the site is Tring Grange Farm (see Plan "A"). This farm is about 700 yards from Cholesbury Road and invisible from it. In 1939 permission was given for the residential development of 230 acres of farm land and many plots were sold. The permissions granted lapsed upon the coming into operation of the 1947 Act and the only evidence, at the present time, of the beginning of this development, is comprised in a few dwellings and fenced-off plots on the south side of the Cholesbury Road.

32. The planning history of the appeal site is as follows:-

(a) In 1954, an application W/1018/54, for the erection of a bungalow in association with a proposed smallholding was refused by the Tring Urban District Council for the following reasons:-

(i) The site is not zoned for residential purposes in the County Development Plan.

- (ii) The development of the site for residential purposes would be contrary to the rural zoning of the area, and detrimental to the Chilterns Area of Landscape Value of which the site forms part.
- (iii) The present agricultural use of the land does not justify the erection of a separate dwellinghouse for its proper maintenance.

The site of this application comprised about 6 acres of the present appeal site.

(b) In 1955, an application W/171/55, for the erection of four dwellings was refused by the Council for the following reasons:-

- (i) The site is not zoned for residential purposes in the County Development Plan.
- (ii) The development of the site for residential purposes would be contrary to the rural zoning of the area and detrimental to the amenities of the Chilterns Area of Landscape Value of which the site forms part.

The site of this application affected about 2 acres of the present appeal site. Compensation became payable.

(c) In 1960, an application W/1885/60, for the erection of two dwellings was refused by the Council for the following reasons:-

The site of the proposed dwellings falls within an area defined by the local planning authority as a local green belt, in accordance with the provisions of Circular No. 42/55, and is also contained within an area of landscape value as defined on the county map of the county development plan; and the development of the land for residential purposes would be contrary to the local planning authority's proposals for the maintenance of the area, and detrimental, by reason of the erection of buildings, to the visual amenities of the area.

Again this site formed only part of the present appeal site. Compensation became payable.

(d) In 1965, an application W/730/65, the subject of the present appeal, was made for the erection of livery stables, riding school and dwelling.

33. The above applications and others (see Document 6) have been made with a view to develop the appeal site and other land in the vicinity all of which, had they been permitted, would have completely altered the rural character of the area. The Council has therefore been consistent in its policy and has only permitted development considered to be essential for the working of land for agricultural purposes.

34. The proposed development would be undesirable new building in the green belt, and in the case of the dwellinghouse included in the development this is not required for the operation of the land for agricultural or allied purposes.

35. The Council's comments on the appellant's grounds of appeal are as follows:-

- (a) In response to Circular 42/55 the County Council submitted proposals to cover a large proportion of the County including the appeal site. These proposals were accepted by the Minister as a basis for development control in February 1957 and in this respect, the proposed green belt is a very real and material consideration.

- (b) The breeding and keeping of horses otherwise than for their use in the farming of land is not permitted development within the terms of Section 12 of the 1962 Act (Belmont Farm Limited v. Minister of Housing and Local Government 1962), and whilst the type of structures to be used and the animals, may be common in the rural scene, the proposed use of the land is not agricultural and does not therefore fall within the ambit of the Council's Green Belt policy.
- (c) It is conceded that the buildings proposed could, in isolation, be designed in such a manner as to fit into a rural area; however, in the Chilterns Area of Great Landscape Value, it is the landscape which is all important and all unnecessary development involving the erection of additional buildings should be prevented.
- (d) In view of the above the proposed development does not meet with the planning proposals for the area.

36. Before formal consideration was given to the application information regarding the appellant's existing riding school premises, in Buckinghamshire, was sought. The information received from the Buckinghamshire County Council was briefly as follows:-

- (a) The riding school commenced at Parrotts Farm (which is a little over half a mile directly south west of the appeal site) about eight years ago, no permission was requested and it would appear that there is now an existing use right on the site.
- (b) There is one house on the site occupied by the appellant and his wife.
- (c) The appellant's daughter ran the riding school and livery stables until her marriage in February 1965.
- (d) The riding school has now ceased but the livery stables are kept on.
- (e) The appellant has received urgent requests to keep on the riding school, but now that his daughter is away from home, he does not want strangers running the school on his residential premises, which is one of the reasons for the application.

37. In the light of this information and primarily the fact that the appellant has existing use rights for a riding school such a short distance from the appeal site, the local planning authority were of the opinion that there was no justification for over-riding the County Council's Green Belt policy.

38. In regard to the appellant's statement that the Council permitted the establishment for an advanced riding school near the hamlet of Hastoe subsequent to the appellant's application, this is perfectly true. In this case, however, existing farm buildings were used and no new buildings were required. Even so the Council reluctantly agreed to allow the use for a riding school as it was not objectionable on amenity grounds.

39. The local planning authority would have no objections to the appeal site being used by a riding school so long as no buildings were erected as these would not comply with the Council's green belt policy. Indeed the restriction on the number of buildings is the best way to preserve and maintain the proposed extension of the Metropolitan Green Belt.

40. If many single houses were permitted in the area of the appeal site it would soon be built-up. Also if a dwelling was permitted on the site it would be difficult to refuse subsequent applications of a similar nature.

FINDINGS OF FACT

41. I find the following facts:-

- (1) In the First Review of the County Development Plan approved by the Minister in December 1963, the appeal site is included within an area proposed as an extension of the Metropolitan Green Belt, and within the Chiltern Area of Great Landscape Value and of Outstanding Natural Beauty.
- (2) The site has an area of about 10 acres and a frontage to a Class III road of about 780 feet.
- (3) There are no buildings on the site and it is used as a pasture field for grazing horses.
- (4) The eastern and northern aspects from the site are towards well established woodlands.
- (5) The area around the appeal site is in agricultural use.
- (6) The proposed development is intended to replace, without any increase in activities, a riding school, livery stables, and residential accommodation with existing use rights on Parrotts Farm about half a mile directly south west of the site.
- (7) Since the marriage of the appellant's daughter the riding school has been closed from February 1965; the livery stables are still operating.
- (8) The appeal site is owned by the appellant's daughter who now wishes to re-open the riding school on her own land together with the livery stables, and needs a house from which to exercise control over the establishment.
- (9) The appellant no longer wishes to be disturbed by the presence of a riding school and livery stables, and the riders who call, so close to his own residence.
- (10) The policy of the local planning authority is to restrict building development in the proposed extension of the Metropolitan Green Belt to that essential for agricultural or other essential purposes.
- (11) The appeal site or parts of it, has been the subject of three previous unsuccessful applications for development.

CONCLUSIONS

42. Bearing in mind the above facts I am of the opinion that:-

- (a) A riding school and livery stables would not, in principle, be inappropriate in a green belt, particularly if existing buildings could be used or extended.
- (b) As the site lies in the Chiltern Area of Great Landscape Value and is one where buildings would detract from the rural character of the countryside the proposed development would be undesirable.

RECOMMENDATION

43. I recommend that the appeal be dismissed.

I have the honour to be,
Sir,
Your obedient Servant,

(J. K. WATSON)

APPEARANCES

FOR THE APPELLANT

Mr. S. Ibbotson,

- of Counsel, instructed by
H. R. Hodder and Son,
St. Mary's Road, Harlesden,
London, N.W.10.

He called:

Mr. J. R. Hodder,

- the appellant.

Mrs. S. M. Brazil,
(the appellant's daughter)

- "Chiltern Cottage",
St, Leonards, near Tring.

Mr. E. S. North, F.R.I.B.A.,

- of Messrs. North, Hyde and
Gibbons, Architects,
Norfolk House, Station Road,
Chesham, Buckinghamshire.

FOR THE PLANNING AUTHORITY

Mr. C. Davies,

- Clerk, Tring Urban District
Council.

He called:

Mr. R. Myers, A.M.T.P.I.,

- Senior Planning Assistant for
the Western Division of
Hertfordshire.

INTERESTED PERSONS

None.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - A notice of the inquiry and a list of names and addresses to which it was sent.
- Document 3 - Two letters from nearby residents supporting the appellant's application.
- Document 4 - One letter from a nearby resident supporting the local planning authority's reasons for refusing the application.
- Document 5 - A letter from an interested party requesting a copy of the Minister's decision and a copy of the report.
- Document 6 - List of applications and appeals in the vicinity of the appeal site.

PLANS

- Plan A - Map showing the appeal site and surrounding area. Scale 6 inches = 1 mile.
- Plan B - Map showing the siting of the proposed development. Scale 1:2,500.