

ADMINISTRATIVE COUNTY OF HERTFORD.

The Council of the BOROUGH OF... URBAN DISTRICT OF... RURAL DISTRICT OF... Berkhamsted.

TOWN & COUNTRY PLANNING ACT, 1947

To Mr. D.G. Masters, per W.F. Johnson, Esq., A.F.S., 29a, High St., Hemel Hempstead, Herts.

WEST HERTS DISTRICTAL PLANNING OFFICE 24 JUL 1962

Two agricultural dwellings, at Crossways Farm, Nettleden, Hemel Hempstead, Herts.

Brief description and location of proposed development.

In Pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, and under the COUNTY OF HERTFORD (Delegation of Planning Functions) Scheme, 1952, the Council on behalf of the Local Planning Authority hereby refuse the development proposed by you in your application dated 24th. April, 1962, and received with sufficient particulars on 26th. April, 1962, and shewn on the plan(s) accompanying such application.

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

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 except in respect of one proposed dwelling for which permission has been granted.

Dated 19th. day of July, 1962.

[Signature] Clerk/Surveyor of the Council.

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 by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 16 of the Town and Country Planning Act, 1947. 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 provisions of Section 14 of the Act and 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 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 Borough or 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 19 of the Town and Country Planning Act, 1947.

(3) 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 20 of the Town and Country Planning Act, 1947, and Part II of the Town and Country Planning Act, 1954.

COPY

MINISTRY OF HOUSING AND LOCAL GOVERNMENT
WHITEHALL LONDON S.W.1.

25th April, 1963.



W/787-62

Sir,

Town and Country Planning Act, 1947: Section 16. (now
Town and Country Planning Act 1962: Section 23) Appeal
by Mr. D. G. Masters

I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. J.P. Chalke, F.R.I.C.S., F.A.I. who held a local inquiry into your client's appeal against the refusal of the Berkhamsted Rural District Council, acting on behalf of the Hertfordshire County Council, to grant permission for the erection of two agricultural dwellings on land at Crossways Farm, Nettleden. Permission for one of the dwellings in accordance with amended detailed plans has now been given by the Council. The appeal therefore relates to a second cottage for an additional farm worker.

The Inspector, a copy of whose report is enclosed, said that as the site lay within an area proposed as part of the extension to the metropolitan green belt where development was, for the most part, not to be permitted, it was necessary for your client to show, if his appeal was to succeed, that the proposed dwelling was essential to enable him to carry out the agricultural activities outlined in evidence. It was stated that the farm development was prepared on behalf of your client about one year ago. While there was no reason to doubt that he intended to base his future programme on that plan there was no evidence to show that either additional workers or accommodation were needed at present. He was satisfied therefore that the application was premature and that no overriding reasons existed, on agricultural grounds, whereby the erection of another dwelling could be justified or permitted. He recommended that the appeal be dismissed.

The Minister accepts his Inspector's recommendation. He is not convinced that the accommodation acquired by your client with Bingham's Park Farm together with the agricultural cottage at present under construction at Crossways Farm is inadequate for the efficient running of the joint farms. On the evidence submitted he is satisfied that the agricultural considerations are not sufficient to outweigh the general planning objections to further development in this open area. Accordingly he dismisses the appeal.

I am Sir,
Your obedient Servant

(MISS E. M. BARBER)

Authorised by the Minister -
to sign in that behalf

A. T. Harry Esq.,
Solicitor,
5 Stevens Chambers,
Hemel Hempstead,
Herts

To The Right Honourable Sir Keith Joseph, M.P.,
Minister of Housing and Local Government

Sir,

I have the honour to report that on 14th July 1964 I held a meeting at Boxwell House, High Street, Westbury, Wiltshire, with the members of the Executive Committee of the Town and Country Planning Committee, the Westbury Municipal Council, the Westbury Rural District Council, and the Westbury Urban District Council, to permit (on an interim basis) the siting of a sewage treatment works with auxiliary works on land at Boxwell Farm, near Boxwell, Westbury, Wiltshire.

1. The Reasons for Refusal

- (1) The size and condition of the land do not justify the carrying out of a sewage treatment works on the site.
- (2) The site falls within an area of special interest and the proposed extension of the sewage treatment works would be in conflict with the Local Planning Authority's policy to allow development only where it is required for agricultural or allied purposes.

2. This report includes a description of the grounds with the various buildings and other structures on the site and the representations made at the inquiry and the views of the various Members of the Council of appearance, documents and plans and drawings.

THE SITE AT WESTBURY

3. The site (Boxwell Farm) is at the eastern end of the village of Westbury which lies about four miles north-west of Salisbury and about three miles north-east of Devizes. The site is situated on the eastern side of the River Ure and is bounded to the north by the River Ure and to the south by the River Ure. The site is situated on the eastern side of the River Ure and is bounded to the north by the River Ure and to the south by the River Ure. The site is situated on the eastern side of the River Ure and is bounded to the north by the River Ure and to the south by the River Ure.

4. The site, which is part of the Boxwell Farm, is situated on the eastern side of the River Ure and is bounded to the north by the River Ure and to the south by the River Ure. The site is situated on the eastern side of the River Ure and is bounded to the north by the River Ure and to the south by the River Ure. The site is situated on the eastern side of the River Ure and is bounded to the north by the River Ure and to the south by the River Ure.

5. Langford Realty has been a tenant of the south-west side of 30. Margrove Lane, which is an extension of the street inclusion with Little Gadsden. The land is about 1/2 acre in extent, mostly of rough pasture and having a depth varying from 100 feet at the northern end to about 600 feet at its southern end. It has on it a small wooden building, a detached wooden and concrete garage and a small shed. The buildings are situated together with a small area of garden and lawn. The land is also used for some and bench lodge. On the north-eastern part of the land is a small shed with two battery houses measuring 56 feet by 24 feet and 24 feet by 24 feet, both with felt roofs, painted blocks and concrete foundations. The shed is also painted and corrugated iron together with other structures.

6. Over most of the site the ground rises generally in a north-easterly direction but there is a distinct fall in level from the north-west to the south-east towards the northern corner of the site. There is a field gate access. There are two other gates, one between the existing garage and house and another on the eastern side of the land. There is, in addition, a pedestrian access to the site from the north-eastern part of the site adjoining St. Mary's Church. There are also two pole electricity lines crossing the land, one from the north-east and the other from south-west to north-east.

CASE FOR THE APPELLANT

The material points are:-

7. The Appellant lives with his parents in their business of the poultry business, which is carried jointly by his parents and himself and is carried by all three in partnership, was started when he left school in 1932. Its production and turnover have increased appreciably since then and much of the production is table poultry that they are sure the business will continue to expand. It is clearly necessary for both his parents and himself to work on the farm.

8. The extension envisaged will require at least three workers to work full time due to the abnormal working hours, when certain jobs must be done very early in the morning and operations in the middle of the day. It is essential that these three workers should live either on the land or at least close by. Up to the present the Appellant has lived with his parents and this difficulty has arisen.

9. Now, however, the Appellant is about to be married and he and his wife and children are not large enough to accommodate the Appellant and his wife. He could not wish to live with his parents after his marriage. He has a small house or building plot very close to the land and he has been unsuccessful both in his search for local labour and in his search for labour elsewhere. He has covered a radius of about 10 miles and has found that other labour locally has been scarce and that he would have to find labour in other parts of the country. He is qualified and of which he has experience.

10. The only alternative left to the Appellant is to build a house on the land itself. There is a small plot of land on the land which is suitable for building a house and the Appellant is qualified to build a house on the land.

All these working on it must live within the green belt and the only way to be freed by providing the additional area...

11. The need for the bungalow is solely for the appellant's use. It is not for the use of the appellant's father and the appellant has no intention of selling it. The appellant wishes to build the new dwelling separately from the green belt and to have it attached to the existing building to that effect. The proposed development is a residential use and should therefore be permitted even though the area is within the green belt. The appellant is perfectly content for the use of the area to be attached to any permission. The High Court has held that a permission is valid and enforceable.

12. It is stressed that as the application is an outline one, the question of whether a bungalow is a matter for negotiation with the local planning authority. It was decided that the bungalow should be considered as a detached house but after further consideration it was thought better to site it on the north-east side, between the existing bungalow and the green belt. In this position, it would have no effect of all kind on the green belt area, not interfere with the visual amenities and not reduce the value of the area. It would be in a slight hollow and have a natural screen of trees on its frontage.

13. As the position now stands, the land is within a "green belt". The Council's green belt proposals have not yet been approved by the Minister. In the meantime, no residential buildings on either side of it and agricultural buildings. Permission should be granted for this reason alone, quite apart from the other requirements.

14. The Appellant's father was previously in another business, but he gave this up to enable him to go into poultry farming. Although within the Appellant is a man of no special knowledge or training in poultry rearing, he was able to use the services of his mother who keeps the books and accounts but does not take any other active part in the business. His fiancée has worked on the farm as a part-time helper and will be no longer their partner, and in a full-time capacity if they are allowed to live on the site.

15. They had 2000 laying birds, which increased to 12000 growing birds of different breeds in 1962. They produce eggs and table birds only, not broilers. In 1962, production could be doubled and in about ten years the 12000 laying birds could be increased to 10-15,000 birds, even with the present labour force and providing the necessary accommodation for another battery house. Ultimately, they might also have a few portable units or pens (each 5 feet by 3 feet) and these would be on the southern part of the holding.

16. They undertake personal delivery of their produce direct to their retail customers and to some restaurants in Central London. The Appellant and his father each spends two days a week (from about mid-day to 5 or 6 p.m.) in doing this, but they find this method more economical than selling only in bulk and direct to the packing stations of the Big Poultry Board. While this is a profitable business, some of their delivery time, their margin of profit could be increased.

17. All their operations are carried out manually and they do not contemplate introducing machinery or adopting automatic methods. The only restriction that is referred to by the local planning authority is a very small number of their...

and, these conditions are in fact... environment... and are far too numerous to list.

18. The Applicant desires... the feeding of the birds... own chicks, they do this... a year. At these times the chicks... 5.30 a.m., with a last feed in the...

19. If the Applicant was not allowed to build... accommodation and other equipment... in Rural Hospital, the... to continue.

20. The first reason of refusal... justify an additional building... this must surely depend on the... in the present case the... higher rate of labour in the... size. The quality and condition of... sufficient space on which to operate.

21. The agricultural reasons for this... for it has been adequately established... would do no harm to the... affect the great belt. The... as overabundant case on common...

CASE HISTORY

The material points are:-

22. The land now belonging to... of Church Farm and the existing... in September 1950 in connection with... Ministry of Agriculture was given to... councillor with the... A condition of the permission...

23. The land was subsequently... following local advice, the... the business being then... ture. The existing... first rights under Article 8... 1950.

24. In general with the... available to the... cesspool would be necessary.

25. On the 13th April 1952... buildings and necessary... visit last May, the land...

considered, and the Department of Agriculture and the Ministry of Education were consulted and their views taken into account. The Department of Education was consulted and their views taken into account. The Department of Education was consulted and their views taken into account.

26. On the approved County Development Plan, the Department of Education was consulted and their views taken into account. The Department of Education was consulted and their views taken into account.

27. The County Council on local planning and development, and after consulting with all District Councils, adopted a policy in December 1960. This policy laid down the following principles:

(a) The Inverclyde villages and hamlets, including the two 'satellite' villages, are included in the County Development Plan, and the County Council will, to the extent of the resources available, provide services and facilities for these areas.

(b) In villages of medium size, the County Council will, to the extent of the resources available, provide services and facilities for these areas.

(c) In all other parts of the County, the County Council will, to the extent of the resources available, provide services and facilities for these areas.

28. St. Margaret's Villa, which is a 'satellite' village, is included in the County Development Plan, and the County Council will, to the extent of the resources available, provide services and facilities for this area.

29. They are of the opinion that the County Council should provide services and facilities for the agricultural grounds to justify the investment made in such grounds. It is their practice in such cases to provide services and facilities for the agricultural grounds to justify the investment made in such grounds.

30. They are of the opinion that the County Council should provide services and facilities for the agricultural grounds to justify the investment made in such grounds. It is their practice in such cases to provide services and facilities for the agricultural grounds to justify the investment made in such grounds.

copy

RECOMMENDATIONS

41. This part of the site plan is to be developed in accordance with the values in addition to being able to provide a certain amount of parking space. In these circumstances, it is proposed that the site should be developed in such a way that the maximum number of buildings only permitted is three, so long as the site is not used, for example, in the case of a building required for a certain purpose.

42. While I am not entirely satisfied with the present proposal, I believe that, this building project is an excellent one. In the event of a building, there are other factors which should be taken into consideration together with the above, such as the height of the building, the number of floors, etc. such as to justify a development which would be in the public interest in view of the particular location.

43. Furthermore, while the area is not a very large one, it is situated in a visible area from the surrounding area. It is proposed that providing the additional buildings is to be done in the most appropriate way, holding on the lower ground to the southeast of the site, and in order to meet an existing need, the site should be developed in such a way as to be in accordance with the heritage value of the area.

CONCLUSION

43. I recommend:

- (a) that the council be allowed for the following reasons:
 - (1) that there are special circumstances which justify the development of the site in order to justify the development of the site in the public interest;
 - (2) as the proposed development is of a nature which could be well sited in relation to the surrounding area and does not conflict with the heritage value of the area.
- (b) that permission be granted for the provision of a building, garage on the upper site, subject to the following conditions:
 - (1) that the building, design and construction be of a nature which is in accordance with the planning authority, or, in the absence of such authority, be determined by the Council;
 - (2) that the building be limited to a maximum of three floors;
 - (3) that the building be limited to a maximum of three floors;
 - (4) that the building be limited to a maximum of three floors;
 - (5) that the building be limited to a maximum of three floors;
 - (6) that the building be limited to a maximum of three floors;
 - (7) that the building be limited to a maximum of three floors;
 - (8) that the building be limited to a maximum of three floors;
 - (9) that the building be limited to a maximum of three floors;
 - (10) that the building be limited to a maximum of three floors;
 - (11) that the building be limited to a maximum of three floors;
 - (12) that the building be limited to a maximum of three floors;
 - (13) that the building be limited to a maximum of three floors;
 - (14) that the building be limited to a maximum of three floors;
 - (15) that the building be limited to a maximum of three floors;
 - (16) that the building be limited to a maximum of three floors;
 - (17) that the building be limited to a maximum of three floors;
 - (18) that the building be limited to a maximum of three floors;
 - (19) that the building be limited to a maximum of three floors;
 - (20) that the building be limited to a maximum of three floors;
 - (21) that the building be limited to a maximum of three floors;
 - (22) that the building be limited to a maximum of three floors;
 - (23) that the building be limited to a maximum of three floors;
 - (24) that the building be limited to a maximum of three floors;
 - (25) that the building be limited to a maximum of three floors;
 - (26) that the building be limited to a maximum of three floors;
 - (27) that the building be limited to a maximum of three floors;
 - (28) that the building be limited to a maximum of three floors;
 - (29) that the building be limited to a maximum of three floors;
 - (30) that the building be limited to a maximum of three floors;
 - (31) that the building be limited to a maximum of three floors;
 - (32) that the building be limited to a maximum of three floors;
 - (33) that the building be limited to a maximum of three floors;
 - (34) that the building be limited to a maximum of three floors;
 - (35) that the building be limited to a maximum of three floors;
 - (36) that the building be limited to a maximum of three floors;
 - (37) that the building be limited to a maximum of three floors;
 - (38) that the building be limited to a maximum of three floors;
 - (39) that the building be limited to a maximum of three floors;
 - (40) that the building be limited to a maximum of three floors;
 - (41) that the building be limited to a maximum of three floors;
 - (42) that the building be limited to a maximum of three floors;
 - (43) that the building be limited to a maximum of three floors;
 - (44) that the building be limited to a maximum of three floors;
 - (45) that the building be limited to a maximum of three floors;
 - (46) that the building be limited to a maximum of three floors;
 - (47) that the building be limited to a maximum of three floors;
 - (48) that the building be limited to a maximum of three floors;
 - (49) that the building be limited to a maximum of three floors;
 - (50) that the building be limited to a maximum of three floors;
 - (51) that the building be limited to a maximum of three floors;
 - (52) that the building be limited to a maximum of three floors;
 - (53) that the building be limited to a maximum of three floors;
 - (54) that the building be limited to a maximum of three floors;
 - (55) that the building be limited to a maximum of three floors;
 - (56) that the building be limited to a maximum of three floors;
 - (57) that the building be limited to a maximum of three floors;
 - (58) that the building be limited to a maximum of three floors;
 - (59) that the building be limited to a maximum of three floors;
 - (60) that the building be limited to a maximum of three floors;
 - (61) that the building be limited to a maximum of three floors;
 - (62) that the building be limited to a maximum of three floors;
 - (63) that the building be limited to a maximum of three floors;
 - (64) that the building be limited to a maximum of three floors;
 - (65) that the building be limited to a maximum of three floors;
 - (66) that the building be limited to a maximum of three floors;
 - (67) that the building be limited to a maximum of three floors;
 - (68) that the building be limited to a maximum of three floors;
 - (69) that the building be limited to a maximum of three floors;
 - (70) that the building be limited to a maximum of three floors;
 - (71) that the building be limited to a maximum of three floors;
 - (72) that the building be limited to a maximum of three floors;
 - (73) that the building be limited to a maximum of three floors;
 - (74) that the building be limited to a maximum of three floors;
 - (75) that the building be limited to a maximum of three floors;
 - (76) that the building be limited to a maximum of three floors;
 - (77) that the building be limited to a maximum of three floors;
 - (78) that the building be limited to a maximum of three floors;
 - (79) that the building be limited to a maximum of three floors;
 - (80) that the building be limited to a maximum of three floors;
 - (81) that the building be limited to a maximum of three floors;
 - (82) that the building be limited to a maximum of three floors;
 - (83) that the building be limited to a maximum of three floors;
 - (84) that the building be limited to a maximum of three floors;
 - (85) that the building be limited to a maximum of three floors;
 - (86) that the building be limited to a maximum of three floors;
 - (87) that the building be limited to a maximum of three floors;
 - (88) that the building be limited to a maximum of three floors;
 - (89) that the building be limited to a maximum of three floors;
 - (90) that the building be limited to a maximum of three floors;
 - (91) that the building be limited to a maximum of three floors;
 - (92) that the building be limited to a maximum of three floors;
 - (93) that the building be limited to a maximum of three floors;
 - (94) that the building be limited to a maximum of three floors;
 - (95) that the building be limited to a maximum of three floors;
 - (96) that the building be limited to a maximum of three floors;
 - (97) that the building be limited to a maximum of three floors;
 - (98) that the building be limited to a maximum of three floors;
 - (99) that the building be limited to a maximum of three floors;
 - (100) that the building be limited to a maximum of three floors;

(Signed) ...