

2142/40620/28.

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

RECEIVED

28th 3rd AUG 1958.

ACKD.

- Section 16

Sir,

Town and Country Planning Act.  
Appeal by Mr. T. McIntosh.

I am directed by the Minister of Housing and Local Government to say that he has received the report of his Inspector Mr. A.C. Todd, B. Arch., A.R.I.B.A., who held a local Inquiry into the appeal by Mr. T. McIntosh against the refusal of your Council, acting on behalf of the Hertfordshire County Council as local planning authority, to permit the erection of a bungalow on land at Doone Brae, Pepperstock, Flamstead, Hertfordshire. In making application for planning permission and following negotiations with the local planning authority, the appellant had indicated two alternative sites for the proposed bungalow, and permission was refused on the grounds that :-

- (i) "the two sites suggested by the applicant are unsatisfactory by virtue of their proximity to the pig sties and distance from the road" and
- (ii) "it is considered that sites with these deficiencies should not be used when an alternative satisfactory site is easily available."

Within the area occupied by Doone Brae pig farm there is a range of three piggeries, extending from north to south along the eastern boundary of the site. The two smaller piggeries are situated to the north and are brock structures some 6-8 feet high. The southern piggery is a structure about 30 feet high. To the north west of the range of piggeries is a single dwellinghouse. From a lane which runs roughly parallel to the northern boundary of the appeal land a concrete road gives access as far as the centre piggery. The land slopes from east to west, with varying gradients.

On behalf of the appellant it was said at the Inquiry that in order to run the pig farm efficiently it was necessary for two men to be resident on the site. One man already occupied the existing bungalow and it was intended to house a second man in the bungalow now proposed to be built. It was originally intended to site the new bungalow at the southern end of the range of piggeries but the following objections made by the Council, it was subsequently suggested that the house should be sited about midway along the piggeries. The Council had, however, suggested an alternative site down the slope of the land near the northern boundary of the site. This site was, in the appellant's view, unsuitable and would be difficult of access. It would not be so convenient for attending to the pigs as the sites suggested by him.

For the Council it was said that there was no objection in principle to the erection of a bungalow on the appeal land. The appellant's choice of site, however, was unsatisfactory. His original intention was to site the bungalow about 200 yards from the public highway. This, in the Council's opinion, was undesirable both on account of distance from the highway and proximity to the piggeries. The same considerations applied to the revised siting which still left the bungalow 118 yards from the highway and much too close to the piggeries. The alternative site suggested did not possess these disadvantages. If the appellant's proposal were allowed, and the use of the piggeries were discontinued at some later date, the bungalow would be isolated.

The Minister has carefully considered all the facts and representations before him. He is of opinion that the siting of the dwellinghouse midway along the range of piggeries would be undesirable, but sees no serious objection to its being sited

at the southern end of the piggeries: accordingly he has decided to allow the appeal and hereby grants permission for the erection of a dwellinghouse on the appeal land, subject to the condition that the building shall be erected on the land shown in the submitted plan as the "original site of bungalow" and in such position thereon and in accordance with such plans as may be agreed with the local planning authority or, in default of agreement, as shall be determined by the Minister.

This letter is issued by the Minister as his formal decision on the appeal. It does not purport to convey any approval or consent that may be required under the byelaws or under any enactment other than the Town and Country Planning Act, 1947.

I am, Sir,  
Your obedient Servant,

(Signed) H.F. SUMMERS.

Authorised by the Minister to sign  
in that behalf.

The Clerk of the Hemel  
Hempstead Rural District Council,  
2 Marlowes,  
Hemel Hempstead.  
Herts.

WEST HERTS. DIVISIONAL PLANNING OFFICE RECEIVED 3 - AUG 1954	
ACKD.	ANSU.

**ADMINISTRATIVE COUNTY OF HERTFORD.**

The Council of the ~~Borough of~~ .....

~~Urban District of~~ .....

RURAL DISTRICT OF **Heal Hempstead.** .....

**TOWN & COUNTRY PLANNING ACT, 1947**

To **Mr. T. McIntosh,  
Great Cutts Farm,  
Harpenden,  
Herts.**

**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 Functions) Scheme, 1948, the Council on behalf of the Local Planning Authority **herby refuse to permit** the development proposed by you in your application dated **25.9.52** .....

and received with sufficient particulars on the **26.9.52** .....

of the land for the purpose of **the erection of a bungalow** .....

situate at **Doone Brae, Pepperstock, Nr. Luton (In the Parish of Markyate)** .....

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 two sites suggested by the applicant are unsatisfactory by virtue of their proximity to the pig sties and distance from the road.**
2. **It is considered that sites with these deficiencies should not be used when an alternative satisfactory site is easily and readily available.**

Dated **16th** day of **December** 19**52**

*Worsley*  
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 Town and Country Planning 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 Town and Country Planning, 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 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 Sections 20 and 79 of the Town and Country Planning Act, 1947.