

H.C.C. Code No.	V/1175/69
L.A. Ref. No.	8393/1

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the BOROUGH OF Henol Hempstead
 URBAN DISTRICT OF XXXXXXXXXXXXXXXXXXXX
 RURAL DISTRICT OF XXXXXXXXXXXXXXXXXXXX

TOWN & COUNTRY PLANNING ACT, 1962

To

Mr. B.A. Baker,
 c/o Mr. D. King,
 Piccotte End Farm,
 Leighton Buzzard Road, Henol Hempstead

Site for caravan	Brief description and location of proposed development.
at Piccotte End Farm, Leighton Buzzard Road, Henol Hempstead	

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 10th May 1965 and received with sufficient particulars on 12th May 1965 and shewn on the plan(s) accompanying such application. 8393/1

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

The proposal would result in unjustifiable and substandard development in an area zoned as metropolitan green belt in the draft town map for Henol Hempstead.

Dated 15th day of May 1965

[Signature]
 Clerk/Surveyor of the Council.

PLEASE SEE NOTES OVERLEAF

SEE NOTES OVERLEAF

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.

WRITTEN STATEMENT OF THE BOROUGH OF HEMEL HEMPSTEAD

APPEAL UNDER SECTION 23 OF THE TOWN AND COUNTRY PLANNING ACT MADE BY RICHARD A. BASKER AGAINST THE REFUSAL OF THE HEMEL HEMPSTEAD BOROUGH COUNCIL, ACTING ON BEHALF OF THE HERTFORDSHIRE COUNTY COUNCIL TO ALLOW A CARAVAN TO BE SITED AT PICCOTTS END FARM, HEMEL HEMPSTEAD.

1. On 10th May 1965, Mr. R.A. Basker made a planning application to the Hemel Hempstead Borough Council to site a caravan at Piccotts End Farm. A copy of the application is attached hereto.

2. On the 12th June 1965 the application was refused for the following reason:-

"The proposal would result in unjustifiable and substandard development in an area zoned as Metropolitan Green Belt in the draft Town Map for Hemel Hempstead."

The refusal was made directly by the Borough Council in accordance with delegated powers.

3. A copy of the plan accompanying the application is attached and shows the site. Additional information for easy identification is shown on the plan in red. The site is approximately one mile to the north of the new town centre of Hemel Hempstead, and is situated on farmland west of Leighton Buzzard Road (B.486) a Class II highway extending northwards from the town. The caravan, which has its own curtilage and boundary fencing consisting of timber posts and barbed wire, adjoins a dutch barn. The surrounding field is used for grazing. The access to the field is via a bridle path which extends approximately 100 yards westwards from the Leighton Buzzard Road. The caravan is conspicuously sited beside a public footpath, which leads to Potten End to the west and extends from the end of the bridle path. The caravan is a further 90 yards from the end of the bridle path giving a total distance of almost 200 yards from the Leighton Buzzard Road, which is the nearest highway. The bridle path is approximately 12 ft. wide serving as agricultural access to the field. Its width and condition renders it incapable of accommodating private and goods vehicles which would normally be expected to service the site. There is insufficient space to turn or park vehicles without using the field or completely blocking the access. The footpath which leads from the bridle path to the caravan is a field path. It has no surfacing and is muddy in wet weather.

4. The site has not been licenced under the Caravan Sites and Control of Development Act 1960.

5. The appeal site is outside the designated area of the former new town. It is zoned as agricultural and is contained in a "white" area on the County Map for Hertfordshire, which, as part of the County Development Plan, was approved by the Minister on the 12th December, 1958. In white areas no major changes in the existing land use are envisaged or considered to be necessary by the Local Planning Authority.

6. Following the Minister's Circular 42/45, the County Council as Local Planning Authority submitted proposals to the Minister for extending the green belt to cover most of the county outside the town map areas and the appeal site is within the area proposed for the extension of the Metropolitan Green Belt, in the First Review of the County Development Plan submitted to the Minister on the 31st December 1963.

7. The County Council for some time have been concerned about the continuous pressure for residential development outside town map areas. After consultation with the District Councils, a policy regarding "Building in the Green Belt" was adopted by the Local Planning Authority on the 26th July 1960 to clarify and reinforce the position for development control purposes. This policy includes the following principles :-

- (a) The largest villages and small towns (outside the Town Map limits) will be excluded altogether from the green belt. An area closely conforming to the extent of the present areas of major development will be defined and within this area applications will not be subject to green belt considerations. These villages are referred to as "Excluded" villages.
- (b) In villages of medium size a certain amount of infilling development may take place. The infilling will be confined to the core of the villages and not allowed in existing ribbons of development stretching outwards from the villages. These villages are referred to as "listed" villages.
- (c) In all other parts of the green belt, including the small villages, hamlets and existing sporadic development, the full green belt policy of no further development except for agricultural or other essential needs will apply.

The nearby village of Piccotts End comes within category (c) in which no further development except for agricultural or other essential needs will be allowed. The appeal site is situated on farmland and is not part of a village or of sporadic development. Category (c) therefore applies the more strongly to the site.

8. In the written statement to the first quinquennial review of the county development plan now with the Minister, the County Council's policy regarding the exercise of their powers of development control in relation to the Metropolitan Green Belt is expounded as follows:-

"The development plan defines the Hertfordshire sector of the metropolitan green belt around London. The purpose of the metropolitan green belt is to preserve a stretch of mainly open country as near as possible to London to act as a barrier against the further outward spread of building development and the merging of existing settlements within the belt, and to provide an area in which town dwellers can find recreation and enjoyment. In order to achieve this purpose it is essential to retain and protect the existing rural character of the area so allocated. The growth of existing settlements will be severely restricted and new building will be permitted outside such settlements only in the most exceptional circumstances, unless required for agricultural or allied purposes. Certain development of an open character such as hospitals, cemeteries and playing fields may be allowed where this would not prejudice the character of the green belt."

The statement goes on to say that applications for new dwellings in the green belt, otherwise than in "excluded" or "listed" villages, will be refused unless it can be conclusively shown that:-

- (i) The applicant cannot obtain suitable housing accommodation in an existing building, and either
- (ii) Loss to the local rural community, or to agricultural or

other essential local interests would result if planning permission were refused, because the applicant is employed in the village or the district for which it forms the logical centre, the applications being supported by precise details of such employment, or

- (iii) There is some quite outstanding reason (other than under(ii) above), why the County Council consider that the application for a new house in the green belt should be allowed.

Although mention is made, in ground 4 of the reasons for appeal, of some help being given to the owner of the farm, the occupants are not employed in agriculture and a caravan on this site does not come within the cases which merit an exception being made.

In the County review map, now under consideration, the site is within the Metropolitan Green Belt and the policy set out above applies.

9. The green belt policy of the County Council has the unqualified support of the Borough Council and planning control in the area of the village of Piccotts End has been exercised strictly in accordance with this policy. The following applications for development have been refused and the Reference Numbers are marked on the plan in the approximate position of each site concerned:-

	<u>Plan No.</u>	<u>Date of refusal</u>	<u>Development</u>
1.	5552	2nd May 1957	Residential - land adjoining Dodds Lane
2.	6502	26th February 1959	Residential - 3.2 acres opposite Boar's Head. Appeal to Minister dismissed. (1199/40620/78)
3.	6846	3rd December 1959	Extension of existing use as builders yard - land at rear of church.
4.	7583	11th April 1961	Dwelling and garage oppsite Marchmont Farm. Appeal to Minister dismissed. (APP/A/45992)
5.	8046	21st August 1962	Bungalow rear of 108 Piccotts End.
6.	8259/1	8th October 1963	Three bungalows, Piccotts End Mill. Appeal to Minister dismissed. (APP/1199/A/74031 and 76363)
7.	6502/1	6th April 1964	Residential development adjoining 92 Piccotts End. Appeal to the Minister dismissed. (APP/1199/A/82711)
8.	7583/2	9th June 1964	Two dwellings adjoining Marchmont House. Appeal to Minister dismissed. (APP/1199/A/93546).

10. The erection of nine dwellings on land within the rural district immediately north of the borough was permitted after an appeal (Ministry Reference APP/2142/L/61208) (marked "9" on map). This decision was later over-ridden in principle in Appeals to the Minister under references APP/1199/A/74031 and APP/1199/A/76363 on land close by the site of the nine dwellings. The Minister in adopting his Inspector's report re-affirmed the Green Belt Policy in which an apparent breach had been made.

11. Permissions for development within the green belt increase the pressures for further inroads and are a negation of the efforts of the Planning Authority to guide development into areas zoned for residential development in the town map for Hemel Hempstead.

12. The caravan occupies a site in the country outside the village of Piccotts End adjoining a public footpath which leads from Piccotts End to Gadebridge and thence to Potten End. A lean-to shelter of a temporary nature adjoins the caravan and the site is surrounded by a rough fence which encloses a plot of ground used for drying washing. The result is untidy and mars the otherwise pleasant appearance of the countryside.

13. Caravans are a substandard form of housing, inferior in every respect to permanent housing constructed to modern standards. The principle of using a caravan for residential purposes is wrong, especially in an area adjoining a new town where a particularly high standard of amenity is to be looked for. Even more undesirable is the stationing of individual caravans on isolated sites not provided with any of the amenities which can reasonably be expected. The Ministry of Housing and Local Government has set out model standards for caravan sites and this particular site falls below the recommendations in the following respects:-

- (i) There is no hard footpath leading to the caravan.
- (ii) There is no hard standing.
- (iii) There is no piped water supply.
- (iv) The site is not accessible to the Council's refuse collection service.

14. During the 1939/45 War a number of caravans became established in the borough but after the War the Council, by operation of Section 93 of the Hertfordshire County Council Act 1935 (which prohibited moveable dwellings in certain urban districts), secured the removal of most of the caravans. The Council have always opposed caravans unless there was some reason of over-riding importance for allowing applications. No such reason exists in this case. Any relaxation in the current policy would be likely to result in other instances of caravans being sited without permission in the countryside adjoining the town with a serious effect on the amenities of the area.

15. On the Precise grounds of appeal 1, 2 and 3. The Council are sympathetic towards Mr. Basker's personal circumstances but these cannot be considered to over-ride the Council's policy on the maintenance of the green belt and the prevention of caravan dwellings.

4. The siting of a caravan is not an appropriate solution to the difficulties experienced by the farmer. The fact that the caravan cannot readily be seen from the road does not affect the principles involved. It is in fact conspicuous from the public

footpath. Finally, as mentioned earlier the appellant is not employed as an agricultural worker.

16. The Council ask the Minister to dismiss the Appeal.

C. W. Kirk

C.W.G.T.KIRK

Town Clerk,
Hemel Hempstead.

13th January 1966