

D.C. 3

16 JAN 1971

H.C.C. Code No. W/1337/61.

L.A. Ref. No. BR/60/61.

ADMINISTRATIVE COUNTY OF HERTFORD.

The Council of the BOROUGH OF

URBAN DISTRICT OF

RURAL DISTRICT OF BERKHAMSTED.

TOWN & COUNTRY PLANNING ACT, 1947

To Mr. P.W. Gregory, Greenmead, Wilstone, Herts.

Erection of farmhouse and garage at Watery Lane, Wilstone, Tring, 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 permit the development proposed by you in your application dated 21st. June, 1961, and received with sufficient particulars on 30th. June, 1961, and shewn on the plan(s) accompanying such application, subject to the following conditions:—

1. The proposed farmhouse shall not be occupied except by the person who is primarily engaged in carrying out or directing agricultural operations on a holding which includes not less than eleven acres comprised in field No. 341, O.S. 25/5.

2. Land shall be reserved along the whole frontage to Watery Lane for future road improvements.

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The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- 1. The site of the proposed farmhouse is within a rural area and the proposed development is permitted only to meet the essential needs in connection with the agricultural use of the land associated with the proposed house.
- 2. To ensure that the proposed development does not prejudice the future improvement of entry lane.

Dated 17th day of August 1971

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 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.

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To Mr. P.W. Gregory,
Greenmead,
Wilstone,
Tring, Herts.

Erection of farmhouse and garage,
at Watery Lane, Wilstone, Tring, 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 permit the development proposed by you in your application dated 21st. June, 1961, and received with sufficient particulars on 30th. June, 1961, and shewn on the plan(s) accompanying such application, subject to the following conditions :—

- 1. The proposed farmhouse shall not be occupied except by the person who is primarily engaged in carrying out or directing agricultural operations on a holding which includes not less than eleven acres comprised in field No. 341, O.S. 25/5.
- 2. Land shall be reserved along the whole frontage to Watery Lane for future road improvements.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

1. The site of the proposed farmhouse is within a rural area and the proposed development is permitted only to meet the essential needs in connection with the agricultural use of the land associated with the proposed house.
2. To ensure that the proposed development does not prejudice the future improvement of Astery Lane.

Dated.....17th.....day of.....August.....19 61..



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.

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HERTFORDSHIRE COUNTY COUNCIL

PETER BOYCE
CLERK OF THE COUNTY COUNCIL

COUNTY HALL
HERTFORD
HERTS

Telephone: Hertford 4242 Ext: 217

Please ask for

Your Ref: LF/CR

Mr. Million

My Ref: WFM/DL 72.07/24

14th January 1971

Dear Sir,

Mr. P. W. Gregory, The Close, Watery Lane, Wilstone

Thank you for your letter of the 6th January with enclosures.

Without seeing the plans attached to the two applications and being made aware of the siting of the buildings, etc, I cannot say if the application of the 17th August 1961 can in fact be regarded as a completely new application as opposed to the submission of details pursuant to the outline planning permission dated the 25th May 1961. On the face of it there would appear to be some strength in the argument being put forward by Messrs. Brown and Merry (and it would appear that you support it) that the application of the 17th August 1961 was merely seeking approval of details pursuant to the outline planning permission granted on the 25th May 1961. If this is correct then the condition on the consent of the 17th August 1961 is unenforceable because, as I am sure you are aware, any condition relating to development should be imposed at the outline stage. The only conditions that can be imposed when the reserved matters are approved are conditions which relate to those matters.

In any event, I agree with you that the terms of the condition attached to the permission dated the 17th August 1961 render it one that no attempt should be made to enforce because it relates to a particular holding. It is quite clear that although an agricultural condition can be imposed when it can be justified on planning grounds the condition should never tie the house to occupation by a worker on a particular farm or smallholding. In this case the condition in question does not do that exactly but in my opinion it is sufficiently restrictive to make it one that the Secretary of State would almost certainly delete on appeal.

In conclusion I could not advise your Council to attempt to enforce the condition and if your Council accept this advice I suggest that Messrs. Brown and Merry should be informed accordingly. I am sending a copy of your letter and enclosures and a copy of this reply to the Divisional Planning Officer and the County Planning Officer for information.

Yours faithfully,

Peter Boyce
Clerk of the County Council

The Clerk,
Berkhamsted Rural District Council,
Boxwell House,
275 High St.,
BERKHAMSTED,
Herts.