

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the BOROUGH OF ...
URBAN DISTRICT OF ...
RURAL DISTRICT OF Hemel Hempstead.

TOWN & COUNTRY PLANNING ACT, 1962

To Mr.P.C.Biggs, Goldcroft, Gaddesden Hall Farm, Water End.

Use of land for the erection of a house
at Hollybush Wood, Potten End.
(Part Parcel 439 on OS.HERTS.XXX111.3)

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 24/7/64 and received with sufficient particulars on 7/8/64 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.

Dated 20th day of October 1964

Clerk/Surveyor of the Council [Signature]

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

Whitehall, LONDON, S.W.1

Telegrams: Locaplan, Parl, London

Telephone: TRAFalgar 8020 , ext. 150

Please address any reply to  
THE SECRETARY  
and quote: APP/2142/A/95253  
Your reference: W/Ba/12409

16 NOV 1965

Gentlemen,

W/1921-64

Town and Country Planning Act 1962 Section 23  
Appeal by Mr. P. C. Biggs

1. I am directed by the Minister of Housing and Local Government to refer to the report of his Inspector, Mr. L. F. Goodwin, A.M.I.Mun.E., A.M.T.P.I., on the local inquiry into your client's appeal against the refusal of the Hemel Hempstead Rural District Council, acting on behalf of the Hertfordshire County, to permit the erection of a dwelling house in connection with a poultry and egg production farm on 6.4 acres of land at Hollybush Wood, Potten End, Berkhamsted.

2. The Inspector, a copy of whose report is enclosed, found that the appeal site came within a proposed green belt. There were over 10,000 laying birds in three poultry sheds on the farm producing 6,000 eggs per day. The County Poultry Officer of the Ministry of Agriculture, Fisheries and Food considered a dwelling on the site was essential, particularly when rearing day old chicks began, which was proposed by your client. The Inspector was of the opinion that the planning authority had not given any valid reasons for refusing permission. His findings of fact bore out your client's case and he had proved adequate need for a dwelling on the site. The Inspector recommended that the appeal be allowed conditionally.

3. The Inspector's conclusions have been noted, and it is also noted that your client's holding is within an area of great landscape value forming part of the proposed extension of the metropolitan green belt. Pressure for development is very strong here, and the Minister fully endorses the planning authority's policy of exercising a tight control on development. However, a great deal of capital has been invested in this egg and poultry farm, which appears to be a highly successful enterprise, and your client is contemplating further expenditure in order to improve the business still further. It seems clear that the holding will be a long term use in this part of the proposed green belt. Certain of the neighbouring residents have spoken in support of your client. The holding adjoins houses in Hollybush Close while to the east there are two private dwellings with a farm house beyond. Living accommodation on the site would undoubtedly be more convenient and would contribute to the continued success of the business. Sited as proposed, the dwelling would be well screened from nearby properties and from the road. In these exceptional circumstances the Minister has come to the conclusion that on balance he would be justified in allowing your client's appeal. Accordingly, he has accepted his Inspector's recommendation and hereby grants permission for the erection of one dwelling on the appeal site in accordance with the detailed drawing No. 197 submitted with the application, subject to the condition that the occupation of the dwelling shall be limited to a person employed, or last employed, locally in agriculture as defined in Section 221(1) of the Town and Country Planning Act 1962, or forestry, or a

Messrs. Wallington, Fabian and White  
Solicitors  
Leet Court  
King Street  
WATFORD  
Hertfordshire

/ dependant

Handwritten initials and a large flourish.

dependant of such a person residing with him (but including a widow or widower of such a person).

4. This letter does not convey any approval or consent required under any enactment, byelaw, order or regulation other than Section 15 of the Town and Country Planning Act 1962.

I am, Gentlemen,  
Your obedient Servant,

H. C. HOLLINGTON

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