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Council's Ref DNP/DEV2/14/47(4257)

Your reference
BP/S.08416/CL

Our reference
T/APP/5260/C/80/4280/G4

Date
13 AUG 1981

Messrs Pellys
1 Northgate End
BISHOP'S STORTFORD
Herts
CM23 3ET

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
APPEAL BY MR S A SALTER
LAND AND BUILDINGS AT WELLS FARM, NORTHAW ROAD EAST, CUFFLEY, HERTS

1. I refer to this appeal which I have been appointed to determine against an enforcement notice dated 7 August 1980 served by Welwyn Hatfield District Council and relating to the use of land and buildings at Wells Farm, Northaw Road East, Cuffley for the purpose of the storage of motor vehicle components. The notice requires that the use be discontinued and that the land and buildings be restored to their condition before the development took place within a period of 2 calendar months.
2. I have considered the representations made by you and those made by the council. I inspected the appeal premises and the surroundings on Wednesday 24 June 1981.
3. From my inspection of the appeal premises and the surroundings and consideration of the representations made I am of the opinion that the principal issue in this case is the degree to which this use of the land and buildings at Wells Farm affects the appearance and character in the vicinity. I noted at my inspection that whereas the land and buildings concerned in the notice are not far from the built-up area at Cuffley there is an abrupt change from built-up area to open countryside, and that change takes place on the northerly side of A121 300 yds to the north-east of the appeal land. The land and buildings concerned in the notice are detached from the built-up area and within the open countryside area.
4. I noted also at my inspection that whereas the operational area is enclosed by buildings and a front boundary wall vehicle components in crates and otherwise were stacked in the yard to such heights as to be clearly seen above the boundary wall from A121. They could be seen on the approach from both directions and through the entrance on passing the premises. Three substantial buildings of agricultural style were stocked to capacity with crated components, and the turning area was occupied by some half dozen parked cars. No loading or unloading activities took place while I was at the premises but there was nevertheless a good deal of general activity with some noisy operations involved.
5. My impression was of a thriving and successful business in an entirely inappropriate location. Cuffley is nearby but the premises are in rural surroundings. In my opinion the present use is incongruous and out of keeping in the surroundings by reason of the appearance of stacked vehicle components in and amongst agricultural type buildings and the general commercial activity generated. Both detracted from the appearance and character of the area to a material degree at the time of my inspection and the effect must be even more marked when the inevitable movements of heavy goods vehicles are generated and loading or unloading activities take place.

6. The surroundings are not only of rural character but have been included in the Metropolitan Green Belt with the object of keeping them as open and free from development as possible. The particular contribution of the area to the green belt concept is underlined by its designation as an area of great landscape value. I agree that the buildings are worthy of preservation but the long term view must be taken and I do not regard considerations as to whether any other economic use is available to your client as the present occupier is sufficient to weigh in favour of continuation of the use in the face of the overriding planning considerations. I have considered all the matters which have been raised but am of the opinion that none is sufficient to outweigh the main considerations to which I have referred and which lead me to conclude that this use at these premises is not a matter for which planning permission ought to be granted.

7. No appeal was lodged in respect of the requirements specified in the notice but I have nevertheless considered those matters. The requirement to discontinue the use of the land and buildings for the purpose of the storage of motor vehicle components appears to me reasonable as the minimal means to remedy the breach of planning control but as I saw no evidence to suggest that the use has affected the condition of the land and buildings I propose to direct that the requirement to restore their condition be deleted from the notice.

8. As regards the specified period for compliance 2 months appears to me reasonable in itself as a period in which to simply discontinue the use but as a means of assistance towards the end of keeping the business going whilst making alternative arrangements for a base I feel that the period might reasonably be extended in some measure.

FORMAL DECISION

9. For the above reasons and in exercise of the powers transferred to me I hereby dismiss this appeal, direct that the notice be varied by deletion of the requirement to restore the said land and the buildings situated thereon to their condition before the said development took place and by extension of the period for compliance to 6 months, and direct that subject to those variations the notice be upheld. I also hereby refuse to grant planning permission on the application deemed to have been made under Section 88(7) of the Act, 1971.

RIGHT OF APPEAL AGAINST DECISION

10. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Gentlemen
Your obedient Servant



R H MOODY BSc CEng MICE
Inspector