

Town Planning Ref. No. 4/0096/88

Other Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To M T J Ward The Malcolm Scott Partnership
Milbaise Cottage 35 The Tything
Tower Hill Worcester WR1 1JL
Chipperfield Herts WD4 9LH

Garden Centre Glass House and car parking
at Milbaise Farm, Tower Hill, Chipperfield

Brief description and location of proposed development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby permit the development proposed by you in your application dated 6 January 1988 and received with sufficient particulars on 20 January 1988 and shown on the plan(s) accompanying such application, subject to the following conditions:-

- (1) The development to which this permission relates shall be begun within a period of 5 years commencing on the date of this notice.
(2) The development hereby permitted shall not be brought into use until the junction with the access road and the public highway shall have been laid out and constructed in accordance with the current specification of the Hertfordshire County Council.
(3) The development shall not be brought into use until the proposed access has been constructed and the existing access has been closed and the verge has been reinstated to the current specification of Hertfordshire County Council and to the satisfaction of the local planning authority.
(4) Sight lines of 2.4 m x 200 m shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600 m and 2.0 m above carriageway level.

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

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.
- (2) In the interests of highways safety.
- (3) In the interests of highways safety.
- (4) In the interests of highways safety.
- (5) In the interests of highways safety.
- (6) In the interests of highways safety.
- (7) To ensure a satisfactory development.
- (8) To maintain and enhance visual amenity.
- (9) To maintain and enhance visual amenity.
- (10) To ensure a satisfactory appearance.
- (11) For the avoidance of doubt and to safeguard and maintain the strategic policies of the local planning authorities.

Dated.....Fifth.....day of.....December.....19.88.....

Signed..........  
Designation.....CHIEF PLANNING OFFICER.....

NOTE

(1) If the applicant wishes to have an explanation of the reasons for this decision 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 appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Marsham Street, London, S.W.1.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain 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 statutory requirements, to the provisions 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 Secretary of State 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

(4) 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 Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

Conditions Continued:-

- (5) The access shall be 5.5 m wide with a 10.5 m kerb radii each side of the access.
- (6) The storm water ditch shall be modified to the satisfaction of the highway authority to take account of the new access.
- (7) The development hereby permitted shall not be occupied until the arrangements made for vehicle parking circulation loading and unloading shown on drawing No. 8728.7A shall have been provided and they shall not be used otherwise than for parking circulation loading and unloading of vehicles.
- (8) No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development and details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows.
- (9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year.
- (10) No work shall be started on the development hereby permitted until details of materials to be used externally shall have been submitted to and approved by the local planning authority and the development hereby permitted shall be carried out in the materials so approved.
- (11) The development hereby permitted shall not be used otherwise than:-
  - (a) for the retail sale of potted plants, cut flowers, bulbs, seeds, garden tools, garden gifts and crafts, garden furniture normally incidental to the enjoyment of a dwellinghouse with the exception of swimming pools and for the provision of advice and information services in respect of the growth and propagation of plants
  - (b) for the provision of facilities for light refreshments for consumption by customers on the premises only and that there shall be no facilities for refreshments for the use of the general public nor for any other purpose (including any other purpose in Classes A1 and A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) but nothing in this Condition shall preclude:
    - (i) the sale and display of produce grown upon agricultural land the subject of the application and adjacent land
    - (ii) the sale and display of fruit and vegetables not grown on the land referred to in (i) above save that the floor space devoted to such sale and display shall not exceed 10% of the total floorspace of any building erected on the site in pursuance of this permission for use as a 'farm shop'.