

PLANNING DEPARTMENT

Mr C G B Barnard MSc Dip TP MRTPI
Chief Planning Officer
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts HP1 1HH



To Messrs. Clifford W. & R.C. Shrimplin TP Ref: 4/0396/88D
Chartered Architects & Town Planners
11 Cardiff Road
Luton
Bedfordshire LU1 1PP

Dear Sir

Your application dated 26 February 1988 has been considered under the provisions of s.53 of the Town and Country Planning Act 1971, to determine whether planning permission is required in respect of

Use of land for the growing of trees and other plants and for construction of an office, tool shed, garage and vehicle hardstanding in association with a landscape garden business.

*LAND ADJ THE LODGE
LUTON RD. PLANNING.*

~~You are hereby given notice that the proposals set out therein **do/do not** constitute development within the meaning of the said Act, and therefore/but~~

- ~~(a) planning permission must be obtained before any such proposals can be carried out~~
- ~~(b) do not require the permission of the local planning authority.~~

~~The grounds for this determination are as follows:~~

You are hereby given notice that:-

- (a) The growing of trees and other plants falls within the definition of "agriculture" under s.290(1) of the Town and Country Planning Act 1971. S.22 (e) of the said Act specifies that "agriculture" is not of "development" and therefore the use of the site for such purposes does not require planning permission.

Dated

Yours faithfully

Chief Planning Officer

(See notes on reverse)

NOTES

1. Any person who desires to appeal -
 - (a) against a determination of the local planning authority under s.53 of the Act; or
 - (b) on the failure of a local planning authority to give notice of their decision or determination or of the reference of the application to the Secretary of State,shall give notice of appeal to the Secretary of State within six months of notice of the decision or determination or of the expiry of the appropriate period allowed under Article 7(6) of the Town and Country Planning General Development Order 1977 as amended, for giving such notice (ie 8 weeks from date of receipt of application by Local Planning Authority), as the case may be, or such longer period as the Secretary of State may at any time allow. The notice shall be given in writing, addressed to The Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ.
2. Such person shall also furnish to the Secretary of State a copy of the following documents:-
 - (i) the application;
 - (ii) all relevant plans, drawings, particulars and documents submitted with the application;
 - (iii) the notice of the decision or determination, if any;
 - (iv) all other relevant correspondence with any local planning authority.

- (b) The construction of the office, tool shed and garage amounts to a building operation and the provision of a hardstanding amounts to an engineering operation. Planning permission is required for the carrying out of building and engineering operations on the land. Development permitted under Article 3 Schedule 1 Class VI 1a of the Town and Country Planning General Development Orders 1977-1987 could not be undertaken at the site as "agricultural land" referred to in Class VI is defined by the Agriculture Act 1947 as land which is so used for the purposes of a trade or business. There is no evidence of such activity at the site.
- (c) Planning permission is required for the proposed car parking area. This is an engineering operation which, in the opinion of the local planning authority, is development which would not be requisite for the use of the land for the purposes of agriculture should trade or business be established at the site as referred to in (b).

Dated 2 June 1988

Yours faithfully



Chief Planning Officer