



Department of the Environment

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Council's ref 4/0412/94EN & 4/0333/94EN
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	APP/A1918/A/94/235102
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Comments	COUNTRY PLANNING ACT 1990

Dear Sir

**SECTIONS 174 AND 78 OF THE TOWN AND COUNTRY PLANNING AND COMPENSATION ACT 1991
LAND AT KINGSHILL WATER TOWER, TOWER CLOSE, SHOOTERSWAY, BERKHAMSTED
APPEALS BY HUTCHISON MICROTEL LTD AND THREE VALLEYS WATER PLC**

1. I am directed by the Secretary of State for the Environment to refer to:-

a. appeals by Hutchison Microtel Ltd and Three Valleys Water PLC (formerly Rickmansworth Water Limited) against Dacorum Borough Council's enforcement notice, issued on 14 February 1994, relating to the installation of a safety rail walkway and two upright steel poles on the above-mentioned water tower, without the grant of planning permission; and

b. the appeal by Hutchison Microtel Ltd against the Council's refusal of planning permission for the erection of a walkway and safety rail in connection with PCN (Personal Communications Network) development implemented under Part 24 of Schedule 2 to the Town and Country Planning General Development Order 1988 (the GDO).

2. The appeals against the enforcement notice were made on grounds (a), (c) and (g) in section 174(2)(a) of the Town and Country Planning Act 1990, as amended.

3. The written representations made in support of the appeal, and those of the Council and other interested parties, have been considered. An officer of the Department has inspected the appeal site and submitted a report of his inspection, including an appraisal of the issues. A copy of the report is annexed to this letter and forms part of it. The whole of the report has been carefully considered.

4. In the Department's letter of 5 April 1995, the parties were invited to comment on matters which did not appear to have previously been fully argued between them, namely whether or not the walkway and safety rail fell within the definition of "telecommunications apparatus" in paragraph A.3 of Class A in Part 24 of the GDO, and, if

