

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

DD

Mr R J Hamilton
High Winds Farm
Hicks Road
To Markyate
Herts

Use of Land for Storage of Caravans

at High Winds Farm, Hicks Road, Markyate, Herts

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 refuse the development proposed by you in your application dated 14.3.90 and received with sufficient particulars on 19.3.90 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

1. The site is within a rural area beyond the Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
2. The site is within the rural area beyond the Green Belt on the adopted Dacorum District Plan. Within this area, it is the policy and general intention of the local planning authority to have particular regard to protecting important views and skylines when considering proposals for the development. The proposed storage of up to twenty caravans on this exposed rural site would, in the opinion of the local planning authority, be harmful to the appearance of the rural area and to views from nearby dwellings and other local vantage points.

Dated Twenty-first day of June 1990

Signed

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of the date of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment 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 Borough Council in which the land is situated, 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.
3. 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 s.169 of the Town and Country Planning Act 1971.

**IMPORTANT - THIS COMMUNICATION AFFECTS
YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning
and Compensation Act 1991)**

**ENFORCEMENT NOTICE
(MATERIAL CHANGE OF USE)**

ISSUED BY: DACORUM BOROUGH COUNCIL

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A (1) (a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

Land at High Winds Farm Hicks Road Markyate
Hertfordshire shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, change of use of part of the
land for the storage of caravans

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of
planning control has occurred since the end of 1963.

The site is located within a Rural Area Beyond the Green
Belt and within the designated Chilterns Area of
Outstanding Natural Beauty as shown in the development
plans for the area ie diagrammatically in the Approved
County Structure Plan 1986 Review (1988) and in detail in

the Proposals Map of the Dacorum District Plan (1984) and Dacorum Borough Local Plan Deposit Draft (1991). Within the rural area, there is a general presumption against inappropriate development as expressed in the development plans and in Department of Environment Planning policy Guidance Note No. 7 (PPG7). Approval should not be given, except in very special circumstances, for all but a narrow range of development proposals primarily connected with agriculture, forestry, and other uses appropriate to a rural area. In the absence of evidence demonstrating an exceptional or particular need for the use the subject of this Notice in this locality, the use is contrary to the aims of this policy by reason of being inappropriate and harmful to the character of this rural area and to the aims of the policy to restrict non-essential development in the rural area.

By virtue of section 88 (2) of the National Parks and Access to the Countryside Act 1949, there is a general duty to preserve and enhance the natural beauty of the designated Chilterns Area of Outstanding Natural Beauty. The development plans and PPG7 indicate that the design, external appearance and location of any new development in such areas will be the subject of special scrutiny to ensure that it fits properly into its surroundings and that the environmental effects of new development should be a major consideration. The use of the site for the storage of caravans, the subject of this Notice, in an area of open countryside within the designated Area of Outstanding Natural Beauty, by reason of its prominence and the inappropriateness of the use in the rural area, is detrimental to the appearance of the locality and harmful to the overall character of the area.

The site is located outside the designated "industrial" areas of Hemel Hempstead, Berkhamsted and Tring as shown in the "Proposals Map" of the adopted Dacorum District Plan. The use of the site for the storage of caravans is contrary to the aims of the Dacorum District Plan which

seeks to concentrate storage uses in the designated "industrial" areas. Additionally, the use is contrary to the aims of the policies of the Dacorum Borough Local Plan Deposit Draft which seeks to concentrate storage uses in the designated "General Employment Areas" of Berkhamsted, Hemel Hempstead, Tring and Markyate, and for small firms, in town and local centres. The site the subject of this Notice is not within any such designated area.

5. WHAT YOU ARE REQUIRED TO DO

- (i) stop using the land for the storage of caravans
- (ii) remove all caravans from the land

Time for compliance: three months after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 29th April 1992 unless an appeal is made against it beforehand.

Dated: 18th March 1992

Signed:

K. M. Pugh

on behalf of:

Director of Law and Administration
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts HP1 1HH

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 29th April 1992. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

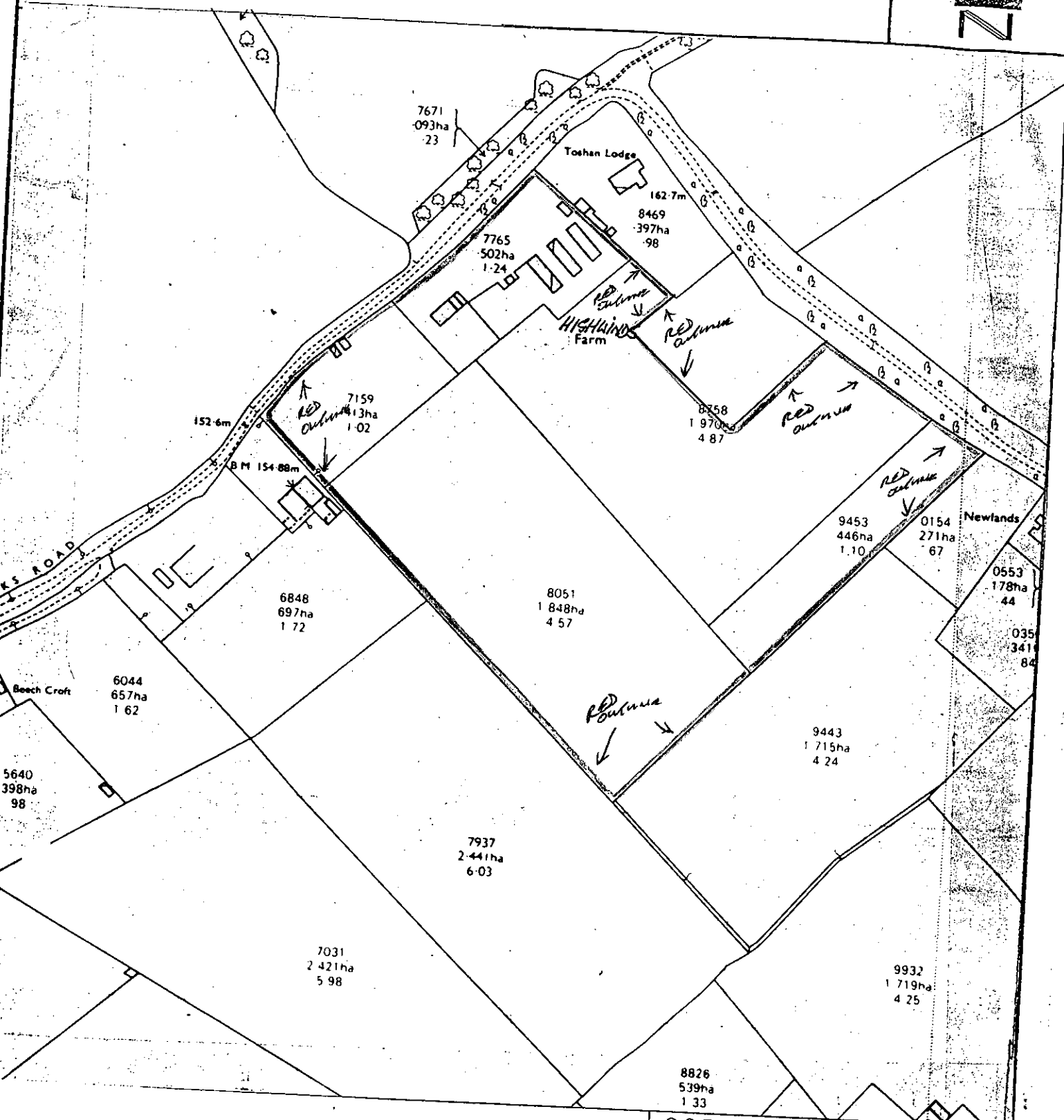
WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 29th April 1992 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council. On conviction, a fine of up to £20,000 may be imposed by the Magistrates' Court or an unlimited fine by the Crown Court.

3.92/EN/HI.WINDS/RH/SGC/BS.5

LOCATION

HIGHWINDS FARM, HICKS ROAD, MARKATE.



C.G.B. Barnard
Chief Planning Officer
Dacorum Borough Council
Hemel Hempstead

Scale
Plan no.