

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning

Ref. No. 4/0499/77

Other

Ref. No.

THE DISTRICT COUNCIL OF **DACORUM**
IN THE COUNTY OF HERTFORD

To Mrs. D. C. Barnard,
Field Farm,
Green Lane,
MARKYATE,
Herts.

Messrs. Austin Allen & Co.,
25 Dunstable Road,
LUTON,
Beds.

Siting of Mobile Home	
at	Field Farm, Green Lane, Markyate.

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 **10th May, 1977.** and received with sufficient particulars on **12th May, 1977.** 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 an area of 'No Notation' on the County Development Plan where there is a presumption against further development unless it is essential in connection with agricultural or other special purposes - no justification has been proven in this case to warrant a departure from this principle.
- (2) The stationing of a caravan on this site would be detrimental to the visual amenity and character of the locality.

Dated **16th** day of **June** 19**77**

Signed..... 

Designation **Director of Technical Services.**

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, Whitehall, 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 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 District 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.
- (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.

D A C O R U M D I S T R I C T C O U N C I L

TOWN AND COUNTRY PLANNING ACT 1971.

499/77

Enforcement Notice

*(Change of use without permission)

To: (b) Miss Diane Caroline BARNARD
of Field Farm, Green Lane,
Markyate, Herts.

1. WHEREAS:

(i) You are the ~~towner and occupier of~~ ~~for a person having an interest in~~ the land situate at and known as (c) Field Farm (formerly Green Lane Piggeries) Green Lane, Markyate in the County of Hertford

which is more particularly delineated on the attached plan and thereon ~~coloured~~ edged in red (hereinafter called "the said land").

(ii) The (a) Dacorum District Council (hereinafter called "the Council") are the Local Planning Authority (*inter alia*) for the purposes of the provisions of section 87 of the Town and Country Planning Act 1971 (hereinafter called "the Act of 1971").

(iii) It appears to the Council that after the 31st day of December 1963 there has been a breach of planning control in that the said land has been developed by the making of a material change in the use ~~thereof for the buildings situate thereon~~ to a use for the purpose of a site for a residential caravan (mobile home)

without the grant of permission required in that behalf under Part III of the Town and Country Planning Act ~~1962 or Part III of the Act of 1971~~ 1971.

(iv) The Council consider it expedient having regard to the provisions of the development plan and to all other material considerations to serve this notice.

[CONTINUED OVERLEAF]

(a) Insert the name of the council serving the notice.

(b) Insert the name of the person, company or other body on whom the notice is being served. In the case of a company, service should be on the company, not on individual directors or officers. In the case of a partnership, service should be on each of the partners by name. Service on (i) an occupier or (ii) a person having an interest in the land whose name cannot be ascertained after reasonable inquiry can be made in the manner provided by sub-section (2) of section 283 of the Town and Country Planning Act 1971. There is also provision in sub-section (3) of that section for service of notices in respect of occupied land.

(c) Insert a full description of the land to which the notice relates, sufficient to enable its location and extent to be readily understood. Where there is a postal address for the land, this should be included. The land should also be shown on a plan attached to the notice, where possible. In drafting an enforcement notice regard should be had to *the whole of the planning unit* in respect of which it is alleged there has been a breach of planning control, not merely to that part of the land which is directly affected by the activities, or failure, constituting the alleged breach.

YOUR ATTENTION IS DIRECTED TO THE ATTACHED NOTES WHICH EXPLAIN YOUR RIGHT OF APPEAL AGAINST THIS NOTICE. YOU SHOULD READ THEM CAREFULLY.

2. NOW THEREFORE TAKE NOTICE that in exercise of the powers contained in the said section 87 of the Act of 1971 the Council HEREBY REQUIRE YOU within the period of six calendar months beginning with the date on which this notice takes effect to discontinue the use of the said land [of the buildings situated on the said land] for the purpose of a site for a residential caravan (mobile home).

~~and to restore the said land [and the buildings situated thereon] to [its] [their] condition before the said development took place~~

3. THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 88(3) of the Town and Country Planning Act 1971, ~~at the end of the period of~~ days beginning with ~~on~~ 17th March 1978.

DATED this Tenth day of February, 1978.

(A.S.L.) Keith Hunt.

Signed Keith Hunt (A.S.L.) (e)

District Secretary
(The officer appointed for this purpose)

Dacorum District Council,
Civic Centre,
Marlowes,
Hemel Hempstead, Herts.

Address to which all communications should be sent.)

(d) The period specified must be such that not less than 28 clear days elapse between the date of the service of the notice and the effective date (a longer period may be specified). Where several persons are served, ensure that the effective date is not less than 28 clear days after the latest date of service. (The period of 28 clear days cannot begin to run until the day following the day when service of the notice on all those persons entitled to be served has been completed.)

(e) Insert title of proper officer.

NOTES FOR PERSONS SERVED WITH AN ENFORCEMENT NOTICE

(These notes do not form any part of the enforcement notice)

PENALTIES FOR NON-COMPLIANCE

1. You have been served with an enforcement notice which will come into effect at the expiry of the period stated in paragraph 3 of the notice. You then have the further period set out in paragraph 2 of the notice in which to comply with the requirements set out. If you fail to comply within that time you will be liable to prosecution and, on conviction, to a fine. The continuing contravention after conviction can lead to a further fine for each day the offence continues.

RIGHT OF APPEAL

2. You have a right of appeal against the notice to [the Secretary of State for the Environment] [the Secretary of State for Wales]. If you do appeal, the notice will not come into effect until the appeal is finally determined.

WHEN TO APPEAL

3. An appeal *must* be made within the period at the end of which the notice is stated to take effect. This is the period set out in paragraph 3 of the notice. *The Secretary of State has no power to extend this period nor to accept an appeal made out of time.*

HOW TO APPEAL

4. There are no special forms on which to make an appeal, but it should be made in writing and addressed to [the Secretary of State, Department of the Environment, ~~Berket House, 1 Lambeth Palace Road, London, SE1 7ER~~] [the Secretary of State, Welsh Office, ~~Summit House, Windsor Place, Cardiff CF1 3BX~~] and the envelope marked "Enforcement Appeal". You should state (a) the grounds on which the appeal is made, and (b) the facts on which those grounds are based. (It will help the Secretary of State in dealing with the preliminary stages of the appeal (see paragraph 7 below) if you enclose a copy of the enforcement notice or, failing that, state the name of the Council serving the notice, and the address of the property or location of the land enforced against. If you have also made, or are making, an appeal against a refusal

* Tollgate House, Houlton Street, Bristol.

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