

Town Planning

Ref. No. 4/0779/86

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To

Mr G W Beeson
Beesons Garden Centre
Hempstead Lane
Potten End, Herts.

Faulkners
49 High Street
Kings Langley
Herts.
WD4 9HU.

Retention of dwelling without compliance with condition
no. 3 on planning permission dated 19 August 1976
.. (Ref 4/0836/76:1620/76D) relating to occupancy.....
at Beesons Garden Centre, Hempstead Lane, Potten End,
.. Herts... CHANGE OF USE OF LAND FROM GARDEN CENTRE TO.....

Brief
description
and location
of proposed
development.

RESIDENTIAL GARDEN LAND.

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 28.5.86.
and received with sufficient particulars on 4.6.86.
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 existing sales building and greenhouse on the site at the date of this permission shall be dismantled and removed from the site within 28 days of the date on which the land is first taken into use as residential garden land.

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 visual amenity.

Dated.....11..... day of December 1986.

Signed..........

DesignationCHIEF 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.

1986

and

COUNTERPART

Under S.52 of the
Town and Country Planning Act 1971
and s.33 of the Local Government
(Miscellaneous Provisions) Act 1982

Keith Hunt
Borough Secretary
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Hertfordshire

File Ref: AMB/MB/S.52/32/126/78/BS.6A/9.86

THIS AGREEMENT is made the first day of December One thousand nine hundred and eighty-six
BETWEEN DACORUM BOROUGH COUNCIL of Civic Centre
Marlowes Hemel Hempstead Hertfordshire HP1 1HH (hereinafter called
"the Council") of the first part and GRAHAM WALTER BEESON and
MARY ALICE BEESON of Beesons Garden Centre Hempstead Lane Potten
End Hemel Hempstead Hertfordshire (hereinafter called "the Applicants")
of the second part

WHEREAS:-

- (1) The Council is the Local Planning Authority for the borough of
Dacorum
- (2) The Applicants have made a planning application to the Council
under reference number 4/0779/86 for retention of a dwelling
without compliance with an occupancy condition (namely "the
bungalow shall be occupied only by a person or persons associated
with the nursery business within the same curtilage") and change
of use of land from Garden Centre to residential garden land
(hereinafter called "the Development") at Beesons Garden Centre
Hempstead Lane Potten End Hemel Hempstead Hertfordshire shown
edged red on the plan annexed hereto (hereinafter called "the red
Land")
- (3) The Application is the owner in unencumbered fee simple of the
red land and of the land edged blue on the plan annexed hereto
(hereinafter called "the blue Land")

NOW THIS DEED WITNESSES as follows:-

1. This Agreement and the covenants herein contained are expressly
made pursuant to s.52 of the Town and Country Planning Act 1971
and s.33 of the Local Government (Miscellaneous Provisions) Act
1982
2. In the event that planning permission is granted pursuant to
application number 4/0779/86 and is implemented then this
Agreement shall have full force and effect but not otherwise

3. In consideration of the covenants on the part of the Applicants hereinafter contained the Council hereby covenants with the Applicants that the Council will forthwith grant planning permission in respect of the application subject to the conditions set out in the Schedule hereto

4. The Applicants hereby covenant:-

- (a) That the Development shall be implemented entirely
- (b) That the occupancy condition aforesaid shall be complied with until the Development has been implemented entirely
- (c) That all buildings on the ^{RED} land with the exception of the dwelling shall be removed within one month of the implementation of the Development
- (d) That notwithstanding the provisions of Class VI of Schedule 1 of the Town and Country Planning General Development Orders 1977-1986 no building shall be erected on the blue land without planning consent

Gub
NB

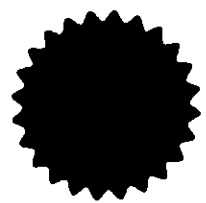
SCHEDULE

1. The development to which this permission relates shall be begun within a period of five years commencing on the date of this Notice
2. The existing sales building and greenhouses on the site at the date of this permission shall be dismantled and removed from the site within 28 days of the date on which the land is first taken into use as residential garden land

I N W I T N E S S whereof the parties hereto have respectively set their Common Seal and hand the day and year first before written

SIGNED SEALED and DELIVERED
by the said GRAHAM WALTER BEESON
in the presence of:-

)
)
) *[Signature]*



Witness:

[Signature]
/

Address:

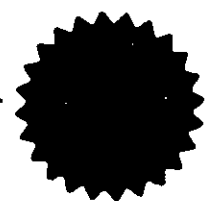
Winton

Occupation:

*Wagon
Driver*

SIGNED SEALED and DELIVERED
by the said MARY ALICE BEESON
in the presence of:-

)
)
) *M. A. Beeson*



Witness:

[Signature]
/ *as above*

Address:

Occupation: