

Town Planning 4/0780/75 LB

Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No. 1319/75D

THE DISTRICT COUNCIL OF **DACORUM**

IN THE COUNTY OF HERTFORD

To Mr. K. Flaw,
109 High Street,
Hemel Hempstead,
Herts.

Agent: Mr. F. Johnson & Partners,
39A High Street,
Hemel Hempstead,
Herts.

.....	Single-storey extension at rear
.....
at	109 High Street, Hemel Hempstead, 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 permit the development proposed by you in your application dated 20th August 1975 and received with sufficient particulars on 21st August 1975 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 materials used externally shall match those on the existing building of which this development shall form a part.**

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) **To ensure the appearance of the development is satisfactory.**

Dated.....**23rd**.....day of.....**October**.....**75**.....19.....

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 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.

Town Planning
 Ref. No. 4/0780/75 LB
 Other
 Ref. No. 1319/75D

TOWN AND COUNTRY PLANNING ACTS, 1971 AND 1972

BUILDINGS OF SPECIAL ARCHITECTURAL
OR HISTORIC INTEREST

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To: Mr. K. Flaw,
 109 High Street,
 Hemel Hempstead,
 Herts.

Agent: Wm. F. Johnson & Partners,
 39A High Street,
 Hemel Hempstead,
 Herts.

..... Single-storey extension at rear

 at 109 High Street, Hemel Hempstead, Herts.

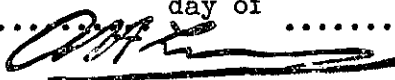
Description and
 location of
 proposed works

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 grants listed buildings consent to the works described above and proposed by you in your application dated 20th August 1975 and received with sufficient particulars on 21st August 1975 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 five years.
- 2) The materials used externally shall match those on the existing building of which this development shall form a part.

The reasons for the Council's decision to grant listed building consent for the works proposed subject to the above conditions are:

- 1) To comply with the requirements of Section 41 of the Town and Country Planning Act, 1971.
- 2) To ensure the appearance of the development is satisfactory.

Dated 23rd day of October 19 ...
Signed 
Designation Director of Technical Services

NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he may, by notice served within six months of receipt of this notice, appeal to the Secretary of State for the Environment in accordance with part one Schedule 11 to the Town and Country Planning Act, 1971. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed works are in progress.

2. If listed building consent 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 works which have been or would be permitted, he may serve on the council of the county district, in which the land is situated a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 190 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 section 171 of the Town and Country Planning Act, 1971.

Attention is drawn to Section 55(2)(b) of the Act, the effect of which is that demolition may not be undertaken (despite the terms of the consent granted by the local planning authority) until notice of the proposal has been given to the Royal Commission on Historical Monuments, Fielden House, 10 Great College Street, London, S.W.1, and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.



Department of the Environment

Eastern Region

Charles House 375 Kensington High Street London W14 8QH

Telephone 01-603 4676 ext 3444 Ext

The Assistant Secretary and Solicitor
Dacorum District Council
Town Hall
Hemel Hempstead
Herts
HP1 1HH

Your reference

ED/EDA/2449/57/0/2

Our reference

E1/5252/411/1

Date

20 January 1976

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1971
APPLICATION FOR LISTED BUILDING CONSENT - THE TOWN HALL
NO 196 HIGH STREET, BERKHAMSTED

1. I refer to your letter of 9 January.
2. The two cases which you cite in your letter were both concerned with decisions on applications for planning permission. Since there is no requirement in the Act or the Town and Country Planning General Development Order that the decision of an authority on such an application should be given in writing, but only a requirement that "notice of the decision" be given in writing, there is room for doubt as to when a decision has been reached.
3. The position as regards applications for listed building consent appears to be different. Section 55(2)(a) of the 1971 Act clearly states that the execution of works for the demolition, alteration or extension of a listed building is authorised under Part IV of the Act only if "written consent" has been granted for them. The decision of the local planning authority must therefore be in writing and in our view, until there is a written grant of consent, there is no consent.
4. Accordingly, the Secretary of State would appear to have power to call in an application for listed building consent at any time until the time when the local planning authority notify the applicant in writing that listed building consent is granted.
5. In the circumstances it is considered that the letter of 2 January is effective.

Yours faithfully

MISS A J GLANVILL



Department of the Environment

Eastern Region

Charles House 375 Kensington High Street London W14 8QH

Telephone 01-603 4075 ext 3444

TECHNICAL SERVICES DEPT.

Director of Technical Services
Dacorum District Council
Town Hall
HEMEL HEMPSTEAD
Herts
HP1 1UE

Your reference
T4/KM/LB 1322/75 D
Our reference
E1/5252/270/4
Date

2 January 1976

26/10 - 7 JAN 1976

Sir

FILE
No.

TOWN AND COUNTRY PLANNING ACT 1971
APPLICATION FOR LISTED BUILDING CONSENT
THE OLD TOWN HALL, 196 HIGH STREET, BERKHAMSTED

1. I am directed by the Secretary of State for the Environment to refer to your letter of 2 December 1975, in which you gave notice under paragraph 5 of Schedule 11 to the Town and Country Planning Act 1971 of the application made by Berkhamsted Parish Council as Trustees of Berkhamsted Town Hall Trust on 31 July 1975 (reference number 4/0781/75/LB) for listed building consent to demolish the Old Town Hall, 196 High Street, Berkhamsted.
2. On the information before him the Secretary of State considers that the application is one which he ought to decide himself. He is advised that the building dates from 1859 and was erected to the designs of Edward Buckton Lamb, the designer of Hughenden Manor and other well known buildings of this time. It is in the Gothic style and makes a valuable contribution to the street scene in the centre of the town. In view of the importance of the building the Secretary of State considers that demolition should be permitted only if the case for it has been made out to his satisfaction.
3. He has also had regard to the representations and observations made by the Victorian Society, the Hertfordshire County Council, the Hertfordshire Federation of Amenity Societies, Dacorum Environmental Forum, the Chiltern Society, the Berkhamsted and District Archaeological Society, the Berkhamsted and District Local History Society, the Berkhamsted Citizens Association, the Berkhamsted Town Hall and Market House Rescue and Action Group, the Ashridge Decorative and Fine Arts Society, the Royal Institute of British Architects and a large number of private individuals including petitions containing over 500 signatures.
4. The Secretary of State accordingly directs, under the powers conferred on him by paragraph 4 of Schedule 11 to the Town and Country Planning Act 1971, that the application shall be referred to him, instead of being dealt with by your authority. You are requested to notify the applicants of the terms of the Secretary of State's direction and of his reason for issuing it, and to inform them that the decision of the Secretary of State on the application will be final.
5. On the information so far available the following points appear to the Secretary of State likely to be relevant to his consideration of the application:-

- a. the architectural or historic importance of the building and the contribution it makes to the street scene and the conservation area;

b. its structural condition and state of repair;

c. the possibility and cost of restoring the building for future use.

6. Arrangements for a local inquiry will be made as soon as possible. This letter is to be taken as the Secretary of State's statement under Rule 6(1) of the Town and Country Planning (Inquiries Procedure) Rules 1974, and your Council are asked to serve copies of it on the applicants and all section 29 parties within the period specified in the said Rule 6(1).

I am Sir

Your obedient Servant



MISS A. J. GRANVILL

Authorised by the Secretary of State
to sign in that behalf