

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972  
REFUSAL OF ESTABLISHED USE CERTIFICATE

Town Planning  
Ref. No. ....4/0851/88EU....  
Other  
Ref. No. ....

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

To .....Mr. R.J.F. Caird.....Messrs. Anthony Samuels  
.....& Co. ....  
.....Flat 1, 39 High Street.....16 Cockfosters Parade  
.....Tring, Herts. HP23 5AA.....Cockfosters EN4 0BX  
.....Herts.

(a) Insert location or address of land. land at (a) .....Flat 1, 39 High Street, Tring, Herts. ....

(b) Insert colour. more particularly shown <sup>\* edged</sup> ~~coloured~~ (b) .....BLACK.....  
~~hatched~~  
on the plan attached hereto.

(c) Insert description of use. Your application for a certificate that the use of the above land <sup>\* as</sup> ~~for~~ (c) .....  
.....Residential flat.....

(d) Insert date of application for established use certificate. was on (d) .....18 April 1988.....established within the meaning of  
paragraph (e) .....(a)..... of Section 94(1) of the Town and  
(e) Insert "paragraph (a)", "paragraph (b)" or "paragraph (c)" of Country Planning Act, 1971, is HEREBY REFUSED.  
Section 94(1) as appropriate.

The reasons for the local planning authority's decision to refuse your application are:-

Insufficient evidence has been provided by the applicant to support the claim that the use has existed since before the beginning of 1964 and has continued since the end of 1963.

Signed ..........

Designation .....Chief Planning Officer.....

Date .....27 September 1988.....

\* Delete where inappropriate

# STATEMENT

If the applicant is aggrieved by the decision of the local planning authority to refuse an established use certificate, or to refuse it in part, he may, by notice in writing, appeal to the Secretary of State for the Environment in accordance with Section 95(2) of the Town and Country Planning Act, 1971, within six months of receipt of this notice, or within such longer period as the Secretary of State may allow.

For Office use only

Town Planning  
Ref. No.

410851/88EU

Other Ref. No.

Date of Receipt

10 5 88

TOWN AND COUNTRY PLANNING ACT, 1971  
APPLICATION FOR AN ESTABLISHED USE CERTIFICATE

This application form must be submitted in duplicate and all the questions must be answered. It must be accompanied by four copies of such plans as are sufficient to identify clearly the land to which the application relates. Notes for the information of applicants are attached.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD .....

I/We hereby apply for an established use certificate in respect of the land described in this application, and identified on the attached plans.

(Signed)

Russell Bird

Date of application

18

April 1988

## (1) Applicant (Block Letters)

Name.....CAIRD

Other Names.....RUSSELL JOHN FRANCIS

Address.....Flat 1 - 39 High Street,

Ref. Tring, Herts. HP23 5AA

C.P.O.	D.P.	D.C.	B.C.	Admin.	File

Tel. No. 01-637-1211 (Office)

Received - 3 MAY 1988

Comments

Agent (if any) to whom all correspondence should be sent

Name...Anthony Samuels &amp; Co.,

Profession Solicitors

Address...16, Cockfosters Parade,

Cockfosters EN4 0BX. Herts.

(DX 49953)

Tel. No. 01-449-7472

Ref: Mr. W.J. Lee.

## (2) Address or location of the land to which the application relates.

C.P.O.	D.P.	D.C.	B.C.	Admin.	File

Received 21 APR 1988

Comments

Upper Flat No. 1 - 39 High Street,  
Tring, Herts.

## (3) Describe the use in respect of which a certificate is being sought (being a use subsisting on the date when the application is made).

Residential flat.

(4) If there is more than one use of the land at the date when the application is made, give a full description of all uses of the land on that date and, where appropriate, an indication of the part of the land to which each of the uses relates.

N/A.

(5) State whether the use referred to in (3) above was begun before 1st January, 1964, and, if not, the date when it was begun.

Not known.

Applicant purchased 99 year Lease on 9th January 1987 when informed it was a residential flat.

(6) If the use referred to in (3) above was begun on 1st January, 1964, or a later date, give particulars of the use of the land at 31st December, 1963, and all subsequent uses, including the date when each such use began and ended.

Not known.

(7) Nature of the applicant's interest in the land (e.g. owner, lessee, yearly/monthly/weekly/tenant, etc.).

Registered at Land Registry with Title Absolute No. HD 221140 and Beneficial Owner of Lease for 99 years from 24th June 1986 at an annual rent of £50. (subject to review

(8) State the grounds upon which a certificate is sought (as set out in Section 94(1) of the Town and Country Planning Act, 1971 - see Note 2).

Applicant has been unable to ascertain when premises first occupied as a residential flat but understands this was many years ago and building thought to have been purpose built prior to 1925 as a shop with residential flats above. By Conveyance 2nd November 1973 the property was described (inter alia) as a "lock-up shop with rooms over and garages and storehouses with flats over".

(9) Give here such other information as the applicant considers necessary to substantiate or make good his claim.

Dacorum District Council served a Repair Notice dated 8th April 1982 under Section 9 (1A) Housing Act 1957 referring to top floor flat and by their letter 29.12.1986 confirmed that there had been compliance therewith and the Notice deleted from Register. It is understood flat has been rated by the Council for many years as a flat.



is made the *Second*  
day of *November*

One thousand nine hundred and seventy three BETWEEN ALFRED WILLIAM WRIGHT of 12 Beech Walk Tring in the County of Hertford (hereinafter called "the Vendor") of the one part and FAWNBRIDGE (P.I.F.) LIMITED of 20 Fenchurch Street London E.C.3. (hereinafter called "the Purchaser") of the other part

WHEREAS the Vendor is seised of the property hereinafter described for an estate in fee simple in possession free from incumbrances and has agreed with the Purchaser for the sale thereof to the Purchaser at the price of SEVEN THOUSAND THREE HUNDRED AND FIFTY POUNDS

NOW THIS DEED WITNESSETH as follows:-

1. IN consideration of the sum of SEVEN THOUSAND THREE HUNDRED AND FIFTY POUNDS paid by the Purchaser to the Vendor (the receipt whereof the Vendor hereby acknowledges) the Vendor as beneficial owner hereby conveys unto the Purchaser FIRSTLY ALL THAT piece or parcel of land having a frontage to Church Square and situate at the rear of Numbers 38 and 39 High Street Tring in the County of Hertford together with the lock-up shop with rooms over and garages and storehouses with flats over as the same are for the purpose of identification delineated on the plan annexed hereto and thereon edged red AND SECONDLY such estate right or interest as the Vendor has in the soil of that part of the access way leading from Church Square as is coloured yellow on the said plan annexed hereto TOGETHER WITH all such rights of way as have hitherto been used and enjoyed by the Vendor and his predecessors in title over the access way leading from Church Street in common with the Vendor his Lessees and Tenants and all other persons entitled to the like right AND TOGETHER ALSO WITH but EXCEPTING AND RESERVING unto the Vendor and to his successors in title owners and occupiers for the time being of his adjoining premises known as Numbers 38 and 39 High Street all other rights and easements quasi-rights and quasi-easements of water light air drainage support or otherwise as have hitherto been used and enjoyed over or in favour of the premises hereby conveyed and the Vendors said adjoining premises known as 38 and 39 High Street aforesaid and are necessary for the proper use and enjoyment of the said respective premises but so that such rights and easements quasi-rights and quasi-

IT IS HEREBY CERTIFIED  
THAT THIS IS A TRUE  
COPY OF THE ORIGINAL

16/11/88  
K. J. H. H. H.  
Borough Survey

easements excepted and reserved to the Vendor shall not unreasonably interfere with the Purchasers development of the land hereby \_\_\_\_\_ conveyed or any part thereof AND ALSO EXCEPTING AND RESERVING unto the Vendor and his successors in title owners and occupiers of the said adjoining premises a full and free right of way with or without vehicles in common with the Purchaser and its successors in title and those authorised by them at all times and for all purposes over that part of the access way coloured yellow on the said plan \_\_\_\_\_ annexed hereto and the right for the Vendor and his successors in title within Eighty years from the date hereof (which period shall be the perpetuity period applicable hereto) to lay and maintain drains pipes wires and cables from the Vendors said adjoining premises under the accessway leading to Church Square making good any damage caused thereby TO HOLD the same unto the Purchaser in fee simple subject to a Lease affecting part of the property hereby conveyed dated the Eighteenth day of January One thousand nine hundred and sixty three and made between the Vendor of the one part and Francis Alfred Godden of the other part \_\_\_\_\_

2. THE Purchaser hereby covenants with the Vendor to observe and perform the covenants specified in the First Schedule hereto \_\_\_\_\_

3. THE Vendor hereby acknowledges the right of the Purchaser to the production of the documents specified in the Second Schedule hereto (the possession of which are retained by the Vendor) and to delivery of copies thereof and undertakes with the Purchaser for the safe custody of the said documents \_\_\_\_\_

4. IT IS HEREBY CERTIFIED that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds the sum of Ten thousand pounds

IN WITNESS whereof the Vendor has hereunto set his hand and seal and the Purchaser has caused its Common Seal to be affixed the day and year first before written \_\_\_\_\_

THE FIRST SCHEDULE before referred to

THE Purchaser shall within six months from the date hereof carry out the following works to the satisfaction of the Vendors Surveyor

(a) Demolish that part of the building which lies over the archway crossing part of that part of the access way coloured yellow on the plan annexed hereto \_\_\_\_\_

(b) Re-instate and make good the wall on the southern side of such archway replastering the internal wall removing disturbed

fixtures and fittings and making good disturbed plumbing and re-instating the electrical system including two external lights in the yard

- (c) Install an external staircase leading from the ground floor of the premises at the rear of Number 39 High Street to provide access to the upper floor now forming part of the flat known as Number 1 Church Square
- (d) Make good and alter as necessary all existing services supplying the Vendors adjoining property which are damaged re-routed or altered as a result of redevelopment of the land hereby conveyed and
- (e) Erect a suitable screen fence between the points marked "A" and "B" on the plan annexed hereto together with a pair of gates for the purpose of giving access to the rear of Numbers 38 and 39 High Street from Church Square

THE SECOND SCHEDULE before referred to

3rd June 1925	<u>INDENTURE</u>	Jessie Carpenter Wright (1) and Helen Augusta Horwood (2)
4th June 1925	<u>INDENTURE</u>	Jessie Carpenter Wright (1) Henry William Wright and Frank Wright (2)
31st January 1927	<u>LEGAL CHARGE</u> (with receipt endorsed)	Henry William Wright and Frank Wright (1) Frank John Brown (2)
31st October 1929	<u>CONVEYANCE</u>	Frank Wright (1) Henry William Wright (2)
24th July 1929	<u>TRANSFER OF</u> <u>MORTGAGE</u> (with receipt endorsed)	Helen Augusta Horwood (1) Bessie Florence Horwood and Fred Walter Rodwell (2)
23rd May 1951	<u>DEED OF GIFT</u>	Henry William Wright (1) Alfred William Wright (2)

SIGNED SEALED AND DELIVERED )  
by the said ALFRED WILLIAM )  
WRIGHT in the presence of:- )

*J. S. Leanech*  
*Witnessing Heals*

*Edward Wright*

THE COMMON SEAL of FAWNBRIDGE )  
(P.I.F.) LIMITED was hereunto )  
affixed in the presence of:- )