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Council ref 4/1036/86-4/1038/86/AEM

CHIEF EXECUTIVE
OFFICER

4 MAR 1987

File Ref.

Ref: 4/1037/86

Messrs Sedgwick Turner
Watford Place
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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL				You reference	
Ref.				HWA	
C.P.O.	D.P.	D.C.	B.C.	Ack.	Our reference
				Admin.	T/APP/A1910/C/86/2652-2654/P6
				File	Date
Received				3 MAR 87	
- 4 MAR 1987					
Comments					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEALS BY MR M G KENNEALY
LAND AT LOWER ROAD, NASH MILLS, KINGS LANGLEY

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against 3 enforcement notices issued by the Dacorum Borough Council concerning the above land. I held an inquiry into the appeals on 27 January 1987.

NOTICE A

2. a. The date of the notice is 19 June 1986. — 3 May 87
- b. The breach of planning control alleged in the notice is the unauthorised carrying out of building, engineering, mining or other operations, namely
1. the erection of fencing and gates around land abutting a highway exceeding 1 m in height shown coloured yellow on the plan attached to the notice, and
 2. the construction of a hardstanding.
- c. The requirements of the notice are 1. to remove the fencing edged yellow on the plan attached to the notice, 2. to reduce the height of the gates and fencing edged yellow on the plan attached to the notice to 1 m above pavement level, and 3. to remove all hardcore and other materials imported into the site, to reinstate a depth of 6 ins of topsoil and to seed with grass during the seeding season next following the date upon which the notice takes effect.
- d. The period for compliance with the notice is 2 months.
- e. The appeal was made on the grounds set out in section 88(2) (b), (c), (d), (e) and (f) of the 1971 Act as amended but at the inquiry grounds 88(2) (e) and (f) were withdrawn and ground 88(2) (g) was added.

NOTICE B

3. a. The date of the notice is 19 June 1986. — 3 May 87
- b. The breach of planning control alleged in the notice is the unauthorised making of a material change in the use of the land described in Schedule 1 to the notice, namely the change of use of the land from use for agricultural use to use for the storage and parking of motor vehicles and trailers and for the stationing of caravans in use for residential purposes and accompanying motor vehicles.

c. The requirements of the notice are the discontinuance of the use of the land for the storage and parking of motor vehicles and trailers and for the stationing of caravans for whatever purposes and accompanying motor vehicles.

d. The period for compliance with the notice is 2 months.

e. The appeal was made on the grounds set out in section 88(2)(b), (c) and (f) of the 1971 Act as amended but at the inquiry ground 88(2)(f) was withdrawn and ground 88(2)(g) was added.

NOTICE C

4. a. The date of the notice is 19 June 1986. — 3 April 87

b. The breach of planning control alleged in the notice is the unauthorised making of a material change in the use of the land described in Schedule 1 to the notice, namely the change of use of the land from agricultural use to use for the purpose of holding a market on occasions in one calendar year exceeding the 14 days permitted under the Town and Country Planning General Development Order 1977 as amended.

c. The requirements of the notice are to restrict the use of the land for the purpose of holding a market to no more than 14 days per calendar year.

d. The period for compliance with the notice is one month.

e. The appeal was made on the grounds set out in section 88(2)(a), (b), (c) and (f) of the 1971 Act as amended but at the inquiry grounds 88(2), (b), (c) and (f) were withdrawn.

5. The evidence was taken on oath.

SUMMARY OF THE DECISIONS

6. The formal decisions are set out in paragraphs 46 to 48 below. The notices, subject to the variation of Notice A, the correction and variation of Notice B, and the correction of Notice C, are being upheld and planning permission is not being granted for the development to which they relate.

THE SITE AND SURROUNDINGS

7. The Notices A and B site, with a frontage of approximately 20 m to Lower Road and a depth south-westwards from the frontage of approximately 55 m, comprises a wire-enclosed, hard-surfaced area of land. On the frontage is a chain link fence about 2 m high, within which are metal gates of the same height; above the fence and gates are strands of barbed wire. On the day of the inquiry 2 trailers and a towing vehicle were parked on the site. To the site's north-west is a village hall, across the road to its north-east is open land, and to its south-east and south-west is the Notice C site.

8. The Notice C site is some 1.8 ha in area and consists of open land, largely grassed but with some hardcore laid in the part near the frontage. The frontage is fenced with a gateway at its north-western end. To the site's south-east are Shafford Cottages, 10 semi-detached houses, with open land to their rear; to its south-west are a tow path and the course of the Grand Union Canal; to its north-west is open land behind the village hall; and across the road to its north-east is further open land.

9. Lower Road forms part of the C76 road from Hemel Hempstead to Kings Langley.

FACTS NOT IN DISPUTE

10. In May 1956 the land comprising the Notices A and B site was purchased, together with land adjoining its north-eastern boundary, by the Hertfordshire County Council.

11. At that time a dwelling stood on the land purchased.

12. Shortly after the purchase the dwelling was demolished to enable the widening of Lower Road, a project involving use of the north-eastern part of the land purchased.

13. In July 1982 an appeal against refusal to permit the erection of a dwelling-house on the Notices A and B site was dismissed.

14. In February 1983 your client and his wife purchased the Notices A and B site from the County Council.

THE APPEAL AGAINST NOTICE A ON GROUNDS 88(2)(b), (c) AND (d)

15. Your client's evidence regarding the fencing and gates is that the land, when purchased by the County Council, was surrounded by a fence which in his view was certainly over 1 m high, and there were gates facing the road; that during the Council's period of ownership the site was enclosed with angle iron and 6 ft high chain link fencing and had 6 ft high iron gates on the frontage; that at some time before purchasing the site he erected chestnut paling fencing on the frontage to prevent cattle entering the site; and that in 1983, after purchasing the site, he erected new fencing and renewed the gates because the old fencing had become useless and was beyond repair.

16. His evidence regarding the hardstanding is that the County Council, on demolishing the dwelling and its outbuildings, bulldozed the remaining hardcore over the whole site; that they thereafter used the site partly as a dump for waste soil which over the years gradually accumulated on top of the hardcore; that after his purchase of the site he separated the waste soil and other rubbish from the stones, took away about 200 loads of waste, and re-spread the stones; and that, although he brought on to the site about 4 loads of tarmac "burn-offs" to sprinkle on top of the hardcore, at no time since purchasing the site has he constructed a hardstanding.

17. The Council's evidence regarding the fencing and gates is that at the time of your client's purchase of the site the boundary fences consisted of broken down wooden post and barbed wire fencing with split chestnut paling fencing along the frontage; that all the fencing then existing was about 3 ft 6 ins high; and that photographs of the site taken on 11 April 1980 show the type and state of the frontage fencing at that time.

18. Their evidence regarding the hardstanding is that after the widening of the road and up to 1975 the front part of the site was occasionally used by the County Council, without the benefit of planning permission, for the storage of road maintenance materials; that from 1975 to 1979 the site was largely unused except for some storage of chippings on the front part for use on local roads; that in 1980, in which year the County Council resolved to sell the site, the land was largely overgrown; that its condition in that year and its unused nature can be

seen in the photographs taken on 11 April 1980 and in an aerial photograph taken on 15 May 1980; and that at the time of its sale to your client, although there had been some fly tipping of rubble on the front part, it was even more overgrown and there were mature trees around the periphery.

19. Evidence for the Parish Council is that at the time of your client's purchase of the site there was a wire and wooden post fence less than 6 ft high between the village hall land and the site; that there were trees on the site as shown on the aerial photograph dated 15 May 1980; and that the trees and other vegetation have been removed by your client.

20. I accept the Council's evidence concerning the type, height and state of the means of enclosure on the frontage at the time of your client's purchase of the site, and it appears to me that the fencing and gates thereafter erected on the frontage were new and different in appearance, height and in the materials used from the previous means of enclosure. I take the view that the erection of the fencing and gates on the frontage was not permitted under Class II in Schedule I to the General Development Order 1977, and as a matter of fact and degree constituted development requiring planning permission. Since the enforcement notice sufficiently clearly describes the development, and planning permission for the development has not been obtained, the matters alleged in the notice relating to the fencing and gates constitute a breach of planning control, and the breach of planning control alleged in the notice has taken place. Therefore the appeal against the notice in respect of the fencing and gates fails on grounds 88(2)(b) and (c); and since the breach took place within 4 years of the date of issue of the notice, it also fails on ground 88(2)(d).

21. I am satisfied that the present appearance of the land within the site's boundary fencing bears no reasonable resemblance to its appearance at the time of your client's purchase of the site, and that this change has resulted from operations carried out to create the existing hard-surfaced area. Whether the operations involved the use of materials already on the site or materials brought on to it, I take the view that they involved development requiring planning permission. Since the enforcement notice is sufficiently clear in alleging the construction of a hardstanding, and planning permission for the development has not been obtained, the matters alleged in the notice relating to the hardstanding constitute a breach of planning control, and the breach has taken place. Therefore the appeal against the notice in respect of the hardstanding fails on grounds 88(2)(b) and (c); and since the breach took place within 4 years of the date of issue of the notice, it also fails on ground 88(2)(d).

THE APPEAL AGAINST NOTICE B ON GROUNDS 88(2)(b) AND (c)

22. Your client states that he cannot remember the site ever being in agricultural use, and denies that he bought it with the intention of using it for that purpose. His evidence is that the County Council, as well as using it for dumping waste soil, used it as a depot for parking vehicles and gritters; that in his belief, since the time of his purchase, it has been used for the stationing of residentially used caravans and accompanying motor vehicles on only one occasion, namely in May 1985 when his brother-in-law, who is a showman, parked there for 10 days; that he himself, in addition to being a farmer, has a motor vehicle distribution, repair and service business carried on at nearby premises, and, although unable to give an estimate of the scale of the use, he uses the site for the occasional parking of trailers and towing vehicles in connection with that business; that on one occasion 2 trailers were parked there for a period of 12 months, and the 2 trailers and one towing vehicle now there have been on the site for 7 to 10 days and could remain on it for another 10 days.

23. The Council concede that the site has not been in agricultural use, but point to a letter dated 27 November 1981 from your client's then agents to the County Council stating that, if your client's offer to purchase the site was accepted, it was his intention to level the site to that of the adjoining field, grass the area down and include the area within his field area. Their evidence is that, although between 1956 and 1975 vehicles were parked on the site from time to time in connection with the storage of road maintenance materials, no vehicles were parked there from 1975 onwards, and the County Council's records give no indication of use at any time for the permanent parking of vehicles; that the aerial photograph taken on 15 May 1980 shows the site to be largely under vegetation and does not indicate any vehicle parking on it; that in the late 1970s the possibility of establishing a highways sub-depot there for the storage of road maintenance materials was considered by the County Council but discarded, since planning permission for the use would not have been forthcoming; that, when the site was offered for sale by the County Council in 1981, a conditional contract was entered into with a prospective purchaser requiring him to take to appeal if necessary a proposal for one dwelling on the site; that trailers were apparently parked on the site throughout July and August 1984, a site inspection by an enforcement officer on 22 August 1984 revealing the presence of a trailer on the site; that photographs taken on 17 May 1985 show the land as in use as a parking compound for lorries, residentially used caravans and trailers; that a trailer with the name "Pratt" on the side was parked there for months; and that on 22 January 1987 an articulated lorry tractor unit and 3 trailers were parked there.

24. Three photographs in support of the Parish Council's case, stated to have been taken on 3 October 1985, show vehicles and caravans parked on the site.

25. There is no evidence of the site having been in agricultural use, and I consider it within my powers under section 88A(2) of the 1971 Act as amended to correct the enforcement notice by deleting from Schedule 2 the words "from use for agricultural use"; I propose to correct it accordingly.

26. Although in my opinion it is to be accepted that the site, when owned by the County Council, was not used as a motor vehicle park, there seems no doubt that it had some use for the storage of road maintenance materials. No details have been given of the scale of use, but in the Council's submission the use was minimal. Their claim has not been shown to be incorrect, and on the available evidence it appears to me likely that, after the vacation and demolition of the dwelling with which the land was formerly associated, the site had a nil use which continued for the remaining period of the County Council's ownership. Certainly from 1975 onwards any use for the storage for road maintenance materials appears to have been minimal, and the evidence of fly tipping does not indicate that the use was on a scale to be significant. The County Council are said to have discarded in the late 1970s the possibility of further use for the storage of road maintenance materials, and their actions prior to the sale of the site were not indicative of an intention that the land should be re-used for that purpose. I take the view that at the time of the sale of the site to your client the land had a nil use.

27. The site, since your client's acquisition, has been used for the storage and parking of motor vehicles and trailers, and his stated intention is to continue to use it for that purpose. I am not satisfied that the scale of use had been of no significance and "de minimis" or that it has been a temporary use within Class IV of Schedule 1 to the GDO. It has also been used for the stationing of caravans in use for residential purposes and accompanying motor vehicles, and again I am not satisfied that the scale of use has been of no significance and "de minimis" or that it has been a caravan site use within Class XXII of Schedule 1 to the GDO. Although your client describes his brother-in-law as a showman, there is no evidence that at the time of his use of the site he was a travelling showman in the terms set out in paragraph 10 of Schedule 1 to the Caravan Sites and Control of Development Act 1960.

28. I take the view that a change of use from a nil use to the use set out in the enforcement notice has occurred since the time of your client's purchase, and that as a matter of fact and degree the change is a material one involving development and requiring planning permission. Since planning permission has not been obtained, the matters alleged in the enforcement notice as corrected constitute a breach of planning control, and the breach has taken place. Therefore the appeal against the notice fails on grounds 88(2)(b) and (c).

THE BREACH OF PLANNING CONTROL ALLEGED IN NOTICE C

29. The claim is not challenged that the site has, and had at the time of issue of the notice, an additional use for agricultural purposes, and I am of the opinion that the breach of planning control alleged in the notice should be the unauthorised change of use of the land from agricultural use to a mixed use for the purposes of agriculture and for the purpose of holding a market on occasions in one calendar year exceeding the 14 days permitted under the GDO. I consider it within my powers under section 88A(2) of the 1971 Act as amended to correct the notice, and I propose to do so.

THE DEEMED PLANNING APPLICATIONS AND THE APPEAL AGAINST NOTICE C ON GROUND 88(2)(a)

30. Although the appeals against Notices A and B were not made on ground 88(2)(a), there are deemed applications for planning permission for the development to which the notices relate, and it is necessary for me to consider the applications.

31. In considering the representations concerning the appeals, I am taking into account those in a letter dated 23 January 1987 from Councillor D I E Jones, which was received by me after the inquiry and subsequently copied to you. From all the representations and my inspection of the site and surroundings, it appears to me that the main issue in the appeals is the effects which the development to which Notice A relates, if retained, and the development to which Notices B and C relate, if continued, would have on the area's appearance and character.

32. In my opinion the sites are in an area which, notwithstanding a substantial amount of development not far away, has a predominantly open, rural character. They are in the Metropolitan Green Belt as defined in the Structure Plan Alterations No. 1 and in the relevant local plan. The Council claim that it is of great importance to protect this particularly vulnerable part of the Green Belt from further development, that the sites lie in a very important green break between the built-up areas of Hemel Hempstead and Abbots Langley, and that the retention of the rural character of this part of the Green Belt is important. Bearing in mind the Government's policy on Green Belts as referred to in Circular 14/85, and the general presumption against inappropriate development within them which continues to exist, I believe the Council's claims to be fully justified.

33. In this setting and these circumstances I consider the fencing and gates on the frontage of the Notices A and B site to be out of place. In my opinion they are of a height and kind to appear associated with, and to facilitate, non-rural activities, and I am in no doubt that their existence harms and, if continued, would harm the local rural scene. I also consider that the hardstanding, which is a bare, hard-surfaced and wired-in area, is out of place, that it facilitates use of the site for non-rural activities, and that it is seriously detrimental to the rural scene. Furthermore, in my view use of the site for the storage and parking of motor vehicles and trailers and for the stationing of residentially used caravans and accompanying motor vehicles is inappropriate and, if continued, would have seriously harmful effects on the area's rural appearance and character.

34. Although I am aware of the possibility of retention of the fencing on the site's boundaries other than the frontage, and am conscious of all relevant Government advice on development, including that contained in Circulars 22/80 and 14/84, I find no overriding reasons for retention of the frontage fencing and gates or the hardstanding, or for continuation of the motor vehicle, trailer and residentially used caravan parking use. Whilst your client denies that he bought the site with the intention of using it for the purposes of agriculture, I note the statement on his behalf in November 1981 that, if his offer to purchase was accepted, it was his intention to level it to the level of his adjoining field, grass it down and include it within his field area.

35. After considering all other matters raised in connection with the planning merits of the development relating to Notices A and B, I conclude that planning permission should not be granted on the deemed applications.

36. The evidence leaves me in no doubt that the markets held on the Notice C site attract large numbers of persons and vehicles, and I am persuaded that this concentration of activity and vehicles is excessively harmful to the rural appearance and the atmosphere of peace and quiet which are to be expected and should be associated with this Green Belt area. Clearly the greater the number of markets held, the greater the adverse effects on the area.

37. The apparent popularity of the markets indicates the existence of a demand for the facilities provided. But I am not at all convinced that the demand could not be met by the use of a site in a suitable location elsewhere. Whilst it is to be accepted that a limited number of markets may be held on the site under the terms of the GDO, and whilst, as mentioned above, I am conscious of all relevant Government advice on development, I find no overriding reasons for markets to be held in excess of the number permitted under the GDO. After considering all other matters raised in connection with the planning merits of the development to which Notice C relates, I am unable to agree that planning permission for the holding of 20 markets a year, as sought by your client, should be granted. I do not propose to grant planning permission for the development, and the appeal against the notice fails on ground 88(2)(a).

THE APPEAL AGAINST NOTICE A ON GROUND 88(2)(g)

38. It is submitted for your client that the requirements of the notice concerning the fencing and gates are conflicting because they seek both the removal of the fencing and the reduction in height of the gates and fencing to 1 m above pavement level; and, insofar as they seek the removal of the fencing, they are excessive because the GDO permits the erection of frontage gates and fences not exceeding 1 m in height. It is also submitted that there is no requirement regarding the fencing on the other boundaries, and that there is no material difference between the effect of the frontage fencing and the other fencing.

39. I accept that the first and second requirements in Schedule 3 to the notice are conflicting in respect of the fencing. Whilst, having regard to the appearance of the fencing and gates, and notwithstanding the existence of the fencing on the other boundaries, I see good grounds for the removal of both the fencing and gates now on the frontage, I do not consider that the notice could be varied to require their removal without injustice to your client. I therefore propose to delete the first of the requirements. The second of the requirements as drafted does not appear to me to be excessive.

40. Regarding the hardstanding, it is submitted that the hardstanding was formed by a levelling operation and the only materials brought on to the site consisted of about 4 loads of tarmac "burn-offs", which have since become mixed with the

rubble; that before formation of the hardstanding the site was a dump, did not have 6 ins of topsoil, and was not seeded with grass; and that the requirements are for the site to be put into a state better than it was before.

41. In light of the evidence about the state of the site before formation of the hardstanding, I accept that the requirement to reinstate with topsoil and seed with grass is excessive, and I propose to delete it. I am unable to agree that the requirement to remove all hardcore and other materials imported into the site is excessive. It appears to me that the present situation as to the hardstanding is of your client's own making, and that it is for him to decide how best to meet the requirement for the removal of hardcore and other materials.

42. To the limited extent set out above the appeal against the notice succeeds on ground 88(2)(g).

THE APPEAL AGAINST NOTICE B ON GROUND 88(2)(g)

43. It is submitted for your client that the requirements of the notice are unreasonable and excessive because they seek to withdraw use rights under Class IV of Schedule 1 to the GDO.

44. I consider the words "for whatever purposes" in Schedule 3 to the notice to be excessive, since the alleged breach in Schedule 2 refers to the stationing of caravans "in use for residential purposes". I propose to vary the requirements so that they equate to the terms of the alleged breach. Subject to that variation, I am of the opinion that the requirements are not excessive and do not affect any GDO rights relating to the land. To the limited extent referred to, the appeal against the notice succeeds on ground 88(2)(g).

THE REQUIREMENTS OF NOTICE C

45. The requirements need correction to take account to the correction mentioned in paragraph 29 above. I propose to correct them accordingly.

FORMAL DECISIONS

NOTICE A

46. For the above reasons, and in exercise of the powers transferred to me, I hereby direct that the enforcement notice be varied in Schedule 3 by 1. deleting the first of the requirements, 2. deleting the figure "ii" at the beginning of the second of the requirements and substituting therefor the figure "i", and 3. deleting the figure and bracket "iii)" and all the words in the third of the requirements and substituting therefor the figure, bracket and words "ii) To remove all hardcore and other materials imported into the site". Subject to these variations, I dismiss the appeal against the notice, uphold the notice, and refuse to grant planning permission on the application deemed to have been made under section 88B(3) of the 1971 Act as amended.

NOTICE B

47. For the above reasons, and in exercise of the powers transferred to me, I hereby direct 1. that the enforcement notice be corrected in Schedule 2 by deleting the words "from use from agricultural use", and 2. that it be varied in

Schedule 3 by deleting the words "for whatever purposes" and substituting therefor the words "in use for residential purposes". Subject to this correction and this variation, I dismiss the appeal against the notice, uphold the notice, and refuse to grant planning permission on the application deemed to have been made under section 88B(3) of the 1971 Act as amended.

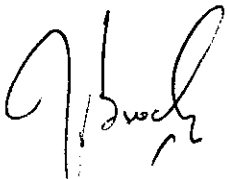
NOTICE C

48. For the above reasons, and in exercise of the powers transferred to me, I hereby direct that the enforcement notice be corrected 1. in Schedule 2 by deleting the word "use" where that word appears after the word "to" in the first line and substituting therefor the words "a mixed use for the purposes of agriculture and", and 2. in Schedule 3 by inserting after the word "Restrict" in the first line the words "the mixed use by restricting". Subject to these corrections, I dismiss the appeal against the notice, uphold the notice, and refuse to grant planning permission on the application deemed to have been made under section 88B(3) of the 1971 Act as amended.

RIGHT OF APPEAL AGAINST DECISIONS

49. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against the decisions to the High Court are enclosed for those concerned.

I am Gentlemen
Your obedient Servant



J BROCK MA (Cantab)
Inspector

ENC

APPEARANCES

FOR THE APPELLANT

Mr A Kelly

- of Counsel, instructed by
Messrs Sedgwick Turner,
Watford Place, 27 King Street,
Watford, Herts, WD1 8BY.

He called:

Mr M G Kennealy

- Appellant.

FOR THE PLANNING AUTHORITY

Miss A Burton

- Assistant Solicitor, Dacorum
Borough Council.

She called:

Mr C L Cooper FRICS

- Principal Valuer, Hertfordshire
County Council.

Mr A E Markham BA(Hons) MRTPI

- Senior Assistant Planner,
Dacorum Borough Council.

Mr R Taylor

- Chairman, Nash Mills Parish
Council.

FOR THE NASH MILLS PARISH COUNCIL

Mr R Taylor

- Chairman, 17 Meadow Road,
Nash Mills, Hemel Hempstead,
HP3 8AH.

DOCUMENTS

Document 1 - List of persons present at the inquiry.

" 2 - Letter from R G and G E Simon and copy of letter from H Korman
submitted at the inquiry.

" 3 - Copies of 1956, 1959 and 1983 conveyances.

" 4 - Copy of appeal decision letter dated 19 July 1982 and associated
refusal notice and planning application.

" 5 - Copy of letter dated 27 November 1981 from Norris and Duvall to the
County Valuer and Land Agent.

" 6 - Copy of letter dated 29 December 1986 from the Borough Secretary
to the appellant's agents.

DOCUMENTS CONT'D

- Document 7 - Structure Plan Alterations No. 1 Written Statement extract.
" 8 - Local Plan Written Statement extract.

PLANS

- Plan A - Enforcement Notice A and B plan (submitted before the inquiry).
" B - Enforcement Notice C plan (submitted before the inquiry).
" C - The sites and surroundings (submitted at the inquiry).

PHOTOGRAPHS

- Photos 1-3 - Views of Notices A and B site frontage taken on 11 April 1980.
" 4 - View of southern part of Notices A and B site and northern part of Notice C site taken on 11 April 1980.
" 5 - Copy of aerial photograph of sites and surrounding area taken on 15 May 1980.
" 6-8 - Views of Notices A and B site taken on 17 May 1985.
" 9-14 - Views of Notice C site and associated parking taken on 19 May 1985.
" 15-18 - Views of street parking taken on 2 June 1985.
" 19-21 - Views of front part of Notices A and B site taken on 3 October 1985.