

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

T. William James Kimberley
Gade Water Nurseries
Water End
Hemel Hempstead

	Mobile Home
at	Gade Water Nurseries
	Water End

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 31 July 1984 and received with sufficient particulars on 31 July 1984 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

The site is within the Metropolitan Green Belt on the approved County Structure Plan and the adopted DACorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension of existing buildings for agricultural or other essential purposes appropriate to a rural area or small-scale facilities for participatory sport or recreation. Whilst the local planning authority recognises the desirability of providing residential accommodation for a full-time agricultural worker, such provision has already been made through the grant of planning permission on an adjoining site.

Dated 6th day of September 1984.

Signed *W. J. Kimberley*

Chief 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, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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.

COPY FOR TEAM 2



Department of the Environment

Room

903

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218575
Switchboard 0272-218811

DACORUM DISTRICT COUNCIL

Ref.

Ack.

C.P.O.

D.P.

D.C.

S.C.

Admin.

File

Received

29 MAR 1985

Comments

ORIG ON

Your reference

40CLOCK CHECK.

Our reference

APP/K191DC/85/956

Date

28/3/85.

Chief Planning Officer.
Dacorum D.C.
Civic Centre
Hemel Hempstead
HERTS.

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 88
TOWN AND COUNTRY PLANNING (ENFORCEMENT NOTICES AND APPEALS)
REGULATIONS 1981

APPEAL BY Mr Kimberley
LAND AT Waterend Hemel Hempstead.

1. I enclose for your information a copy of a form/letter about this appeal and of the Department's reply.
2. The case officer for the appeal is Miss K. Ferris whom you should contact at the address above if at any stage you wish to enquire about the appeal's progress.
3. It is considered necessary for the representations by the parties to this appeal to be heard at a local inquiry. The number of appeals for which inquiries have to be arranged at any one time fluctuates considerably and it may not be possible for arrangements to be made immediately; but every effort will be made to hold an inquiry, and to notify you of the date as soon as possible.
4. In the meantime, it will be helpful if the Council proceed with preparation of a written statement of their case. The statement should indicate as required by Regulation 6(1), the submissions the Council propose to put forward on the appeal and should include the following:-
 - a. a summary of the Council's response to each ground of appeal pleaded by the appellant; and
 - b. a statement whether the Council would be prepared to grant planning permission for the development alleged in the enforcement notice to have been carried out, and, if so, particulars of the conditions, if any, they would wish to attach to such permission.

The early submission of such a statement is of great help to the Department in assessing the issues involved, and the time likely to be needed for the inquiry. Its submission by 23/5/85 would therefore be greatly appreciated. It is also important to note that, while no date is yet arranged for the inquiry, the statement must be served in accordance with Regulation 6(1) and 6(2) on the Secretary of State and on the appellant not later than 28 days before the date eventually fixed for the inquiry. Any failure to comply with the requirements of Regulation 6 may cause the Secretary of State to exercise his powers to quash the enforcement notice under Section 88(6) of the Act.

E7(3/83)

(300463/1)

5. If the Council's statement indicates that the appeal raises complex legal issues on which a further written statement from the appellant would help the progress of the inquiry, he will be required under the Enforcement Inquiries Procedure Rules to provide one and the Council will be sent a copy. The Council may ask the Secretary of State to require the appellant to submit a statement when they consider that circumstances justify it.

6. Your attention is drawn to the notes below. A set of notes for guidance has been sent to the appellants.

Yours faithfully



E. H. DYER

NOTES ON APPEALS AGAINST ENFORCEMENT NOTICES

1. Where an inquiry is held it is the duty of the Inspector to ascertain, from evidence and representations put forward by the parties and by personal inspection, all the relevant facts in order to ensure a fair and impartial decision. All evidence and representations are carefully considered and receive full attention whoever is the spokesman.

2. Subsection (3) of section 88B of the Act has the following effect in relation to appeals against enforcement notices. Whether or not an appellant has included in his grounds of appeal the contention that planning permission ought to be granted for the development to which the enforcement notice relates, it may be necessary to consider the planning application which, by virtue of section 88B(3) he is deemed to have made, and for which a fee is payable beforehand in accordance with regulation 8 of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1981 (Statutory Instrument 1981 No. 369). An appellant should therefore include when presenting his case any points he wishes the Secretary of State (or the appointed person) to take into account concerning the planning merits of the development to which the notice relates. It is suggested also that an appellant should include details of any previous relevant applications for planning permission affecting the site concerned and copies of any correspondence which relates to the matter at issue.

3. Subsection (1)(c) of section 88B of the Act provides that the Secretary of State (or the appointed person, as the case may be) may, in deciding an appeal under this section, determine any purpose for which the land may, in the circumstances obtaining at the time of the determination, be lawfully used, having regard to any past use thereof and to any planning permission relating to the land. Should the appellant wish to seek such a determination, he should make this clear in presenting his case and provide any information he considers relevant for this purpose.