

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr P L Story
West Beaney
Little Gaddesden
Herts

..... Stable/store shed

at Brickhill Spinney, Frithsden

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 and received with sufficient particulars on 25th September 1984 and shown on the plan(s) accompanying such application.

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

1. The site is within the Chilterns Area of Outstanding Natural Beauty and in an area referred to in the County Structure Plan and Dacorum District Plan where the policies of the local planning authority seek to preserve the appearance of the area, encourage agriculture and conserve wildlife by the restriction of further development.
2. The development is contrary to Policies 9 and 10 of the Dacorum District Plan which seeks to restrict proposals for the keeping and breeding of horses to defined amenity corridors.
3. The building, sited in a prominent and elevated position, detracts from the appearance of this particularly sensitive part of the Chilterns Area of Outstanding Natural Beauty.

Dated 7th day of November 19 84...

Signed.....

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.

(a)

DACORUM BOROUGH

Council

TOWN AND COUNTRY PLANNING ACT 1971
(as amended)

Enforcement Notice

Material Change of Use

(b) BRICKWALL SPINNEY FRITHSDEN

HEMEL HEMPSTEAD HERTFORDSHIRE

WHEREAS:

(1) It appears to the^(a) Dacorum Borough Council ("the Council"), being the local planning authority for the purposes of section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963^(c)

on the land or premises ("the land") described in Schedule 1 below.

(2) The breach of planning control which appears to have taken place consists in the carrying out of development by the making of the material change in the use of the land described in Schedule 2 below, without the grant of planning permission required for that development.

(3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said section 87, for the reasons set out in [the annex to] this notice.^(d)

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken [in order to remedy the breach] ^(e)

within [the period of four days] [months] from the date on which this notice takes effect] ^(f)

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 88 (10) of the Act, on 12th September 1989 ^(g)

Issued 14 August 1989

Council's address —

Civic Centre
Marlowes
Hemel Hempstead Herts. HP1 1HH

(Signed)

Keith Hunt

(Designation)

Borough Secretary
(The officer appointed for this purpose)

CONTINUED OVERLEAF — P.T.O.

NOTES TO THE LOCAL PLANNING AUTHORITY

- Insert the name of the Council issuing the notice.
- Insert the address or a description of the land to which the notice relates.
- Where section 87(4)(c) of the Act applies insert "and within the period of 4 years before the date of issue of this notice."
- See paragraph 29 of DOE Circular 38/81 (Welsh Office Circular 57/81).
- Or, as the case may be, having regard to section 87(7)(a) and (b) of the Act. Where steps are required to be taken for more than one of the purposes provided for in section 87, the purpose for which each step is required should be specified in Schedule 3. Steps may be required as alternatives.
- If a single period is to be specified, by which all the required steps must be taken, insert it here. But if a series of steps is required to be taken, with a different compliance period for each step, the appropriate period should be clearly stated against each step (in columns if more suitable) in Schedule 3.
- The date selected must be not less than 28 clear days after all the copies of the notice will have been served (see section 87(5) of the Act).

SCHEDULE 1

Land or premises to which this notice relates

(Address or description)

Brickwall Spinney
Frithsden
Hemel Hempstead
Hertfordshire

shown edged [red] [] on the attached plan.^(h)

SCHEDULE 2

Alleged breach of planning control

(description of the material change of use alleged to have been made) (j)

Change of use from use for agriculture to a mixed use of storage of a caravan and use for agriculture

SCHEDULE 3

Steps required to be taken.^(k)

- (i) Cease the use of the land for storage of a caravan

NOTES TO THE LOCAL PLANNING AUTHORITY

(h) See paragraph 31 of DOE Circular 38/81 (Welsh Office Circular 57/81).

(j) If the new use is a mixed use, include all the uses comprising that mixed use.

(k) Specify the actual steps to be taken with, if appropriate, the compliance period for each step. The requirements should be clear and precise. See also notes (e) and (f) overleaf.

EXTRACTS from the TOWN AND COUNTRY PLANNING ACT 1971 (as amended)

Power to issue enforcement notice

87.—(1) Where it appears to the local planning authority that there has been a breach of planning control after the end of 1963, then subject to the following provisions of this section, the authority, if they consider it expedient to do so having regard to the provisions of the development plan and to any other material considerations, may issue a notice requiring the breach to be remedied and serve copies of the notice in accordance with subsection (5) of this section.

(2) A notice under this section is referred to in this Act as an "enforcement notice".

(3) There is a breach of planning control—

- (a) if development has been carried out, whether before or after the commencement of this Act, without the grant of the planning permission required in that behalf in accordance with Part III of the Act of 1962 or Part III of this Act; or
- (b) if any conditions or limitations subject to which planning permission was granted have not been complied with.

(4) An enforcement notice which relates to a breach of planning control consisting in—

- (a) the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land; or
- (b) the failure to comply with any condition or limitation which relates to the carrying out of such operations and subject to which planning permission was granted for the development of that land; or
- (c) the making without planning permission of a change of use of any building to use as a single dwelling-house; or
- (d) the failure to comply with a condition which prohibits or has the effect of preventing a change of use of a building to use as a single dwelling-house.

may be issued only within the period of four years from the date of the breach.

(5) A copy of an enforcement notice shall be served, not later than 28 days after the date of its issue and not later than 28 days before the date specified in the notice as the date on which it is to take effect—

- (a) on the owner and on the occupier of the land to which it relates; and
- (b) on any other person having an interest in that land, being an interest which in the opinion of the authority is materially affected by the notice.

(6) An enforcement notice shall specify the matters alleged to constitute a breach of planning control.

(7) An enforcement notice shall also specify—

- (a) any steps which are required by the authority to be taken in order to remedy the breach;
- (b) any such steps as are referred to in subsection (10) of this section and are required by the authority to be taken.

(8) An enforcement notice shall specify the period within which any such step as is mentioned in subsection (7) of this section is to be taken and may specify different periods for the taking of different steps.

(9) In this section "steps to be taken in order to remedy the breach" means (according to the particular circumstances of the breach) steps for the purpose—

- (a) of restoring the land to its condition before the development took place; or
- (b) of securing compliance with the conditions or limitations subject to which planning permission was granted, including—
 - (i) the demolition or alteration of any buildings or works;
 - (ii) the discontinuance of any use of land; and
 - (iii) the carrying out on land of any building or other operations.

(10) The steps mentioned in subsection (7)(b) of this section are steps for the purpose—

- (a) of making the development comply with the terms of any planning permission which has been granted in respect of the land; or
- (b) of removing or alleviating any injury to amenity which has been caused by the development.

(11) Where the matters which an enforcement notice alleges to constitute a breach of planning control include development which has involved the making of a deposit of refuse or waste materials on land, the notice may require that the contour of the deposit shall be modified by altering the gradient or gradients of its sides in such manner as may be specified in the notice.

(12) The Secretary of State may by regulations direct—

- (a) that enforcement notices shall specify matters additional to those which they are required to specify by this section; and
- (b) that every copy of an enforcement notice served under this section shall be accompanied by an explanatory note giving such information as may be specified in the regulations with regard to the right of appeal conferred by section 88 of this Act.

(13) Subject to section 88 of this Act, an enforcement notice shall take effect on a date specified in it.

(14) The local planning authority may withdraw an enforcement notice (without prejudice to their power to issue another) at any time before it takes effect.

(15) If they do so, they shall forthwith give notice of the withdrawal to every person who was served with a copy of the notice.

(16) Where—

- (a) an enforcement notice has been issued in respect of development consisting of the erection of a building or the carrying out of works without the grant of planning permission; and
- (b) the notice has required the taking of steps for a purpose mentioned in subsection (10)(b) of this section; and
- (c) the steps have been taken,

for the purposes of this Act planning permission for the retention of the building or works as they are as a result of compliance with the notice shall be deemed to have been granted on an application for such permission made to the local planning authority.

Appeal against enforcement notice

88.—(1) A person having an interest in the land to which an enforcement notice relates may, at any time before the date specified in the notice as the date on which it is to take effect, appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any of the following grounds—

- (a) that planning permission ought to be granted for the development to which the notice relates or, as the case may be, that a condition or limitation alleged in the enforcement notice not to have been complied with ought to be discharged;
- (b) that the matters alleged in the notice do not constitute a breach of planning control;
- (c) that the breach of planning control alleged in the notice has not taken place;
- (d) in the case of a notice which, by virtue of section 87(4) of this Act, may be issued within the period of four years from the date of the breach of planning control to which the notice relates, that that period had elapsed at the date when the notice was issued;
- (e) in the case of a notice not falling within paragraph (d) of this subsection, that the breach of planning control alleged by the notice occurred before the beginning of 1964;
- (f) that copies of the enforcement notice were not served as required by section 87(5) of this Act;
- (g) that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control or to achieve a purpose specified in section 87(10) of this Act;
- (h) that the period specified in the notice as the period within which any step is to be taken falls short of what should reasonably be allowed.

(3) An appeal under this section shall be made by notice in writing to the Secretary of State.

(4) A person who gives notice under subsection (3) of this section shall submit to the Secretary of State, either when giving the notice or within such time as may be prescribed by regulations under subsection (5) of this section*, a statement in writing—

- (a) specifying the grounds on which he is appealing against the enforcement notice; and
- (b) giving such further information as the regulations may prescribe.

(5) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under this section, and in particular, but without prejudice to the generality of this subsection—

- * (a) may prescribe the time within which an appellant is to submit a statement under subsection (4) of this section and the matters on which information is to be given in such a statement;

***NOTE:** The Secretary of State has specified that such a statement must be submitted to him either when the appellant is giving notice of appeal, or within 28 days from the date on which the Secretary of State sends the appellant a notice requiring such a statement to be submitted.

- (b) may require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
 - (c) may specify the matters to be included in such a statement;
 - (d) may require the authority or the appellant to give such notice of appeal under this section as may be prescribed, being notice which in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated;
 - (e) may require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.
- (6) The Secretary of State—
- (a) may dismiss an appeal if the appellant fails to comply with subsection (4) of this section within the time prescribed by regulations under subsection (5); and
 - (b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (b), (c) or (e) of subsection (5) of this section within the period prescribed by the regulations.
- (7) Subject to subsection (8) below, the Secretary of State shall, if either the appellant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (8) The Secretary of State shall not be required to afford such an opportunity if he proposes to dismiss an appeal under paragraph (a) of subsection (6) of this section or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection.
- (9) If—
- (a) a statement under subsection (4) of this section specifies more than one ground on which the appellant is appealing against an enforcement notice; but
 - (b) the appellant does not give information required under paragraph (b) of that subsection to each of the specified grounds within the time prescribed by regulations under subsection (5) of this section,
- the Secretary of State may determine the appeal without considering any of the specified grounds as to which the appellant has failed to give such information within that time.

(10) Where an appeal is brought under this section, the enforcement notice shall be of no effect pending the final determination or the withdrawal of the appeal.

(11) Schedule 9 to this Act applies to appeals under this section, including appeals under this section as applied by regulations under any other provision of this Act.

88A.—(1) On the determination of an appeal under section 88 of this Act, the Secretary of State shall give directions for giving effect to the determination, including, where appropriate, directions for quashing the enforcement notice or for varying its terms.

(2) On such an appeal the Secretary of State may correct any informality, defect or error in the enforcement notice, or give directions for varying its terms, if he is satisfied that the correction or variation can be made without injustice to the appellant or to the local planning authority.

(3) Where it would otherwise be a ground for determining such an appeal in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

88B.—(1) On the determination of an appeal under section 88 of this Act, the Secretary of State may—

- (a) grant planning permission for the development to which the enforcement notice relates or for part of that development or for the development of part of the land to which the enforcement notice relates;
- (b) discharge any condition or limitation subject to which planning permission was granted;
- (c) 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 of it and to any planning permission relating to it.

(2) In considering whether to grant planning permission under subsection (1) of this section, the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations; and any planning permission granted by him under that subsection may—

- (a) include permission to retain or complete any buildings or works on the land, or to do so without complying with some condition attached to a previous planning permission;
- (b) be granted subject to such conditions as the Secretary of State thinks fit;

and where under that subsection he discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

(3) Where an appeal against an enforcement notice is brought under section 88 of this Act, the appellant shall be deemed to have made an application for planning permission for the development to which the notice relates and, in relation to any exercise by the Secretary of State of his powers under subsection (1) of this section—

- (a) any planning permission granted under that subsection shall be treated as granted on that application;
- (b) in relation to a grant of planning permission or a determination under that subsection, the Secretary of State's decision shall be final; and
- (c) for the purposes of section 34 of this Act, the decision shall be treated as having been given by the Secretary of State in dealing with an application for planning permission made to the local planning authority.

(4) On an appeal under section 88 of this Act against an enforcement notice relating to anything done in contravention of a condition to which section 71 of this Act applies, the Secretary of State shall not be required to entertain the appeal in so far as the appellant claims that planning permission free from that condition ought to be granted.

Penalties for non-compliance with enforcement notice

89.—(1) Subject to the provisions of this section, where a copy of an enforcement notice has been served on the person who, at the time when the copy was served on him, was the owner of the land to which the notice relates, then, if any steps required by the notice to be taken (other than the discontinuance of a use of land) have not been taken within the period allowed for compliance with the notice, that person shall be liable on summary conviction to a fine not exceeding £2,000 or on conviction on indictment to a fine.

(2) If a person against whom proceedings are brought under subsection (1) of this section has, at some time before the end of the period allowed for compliance with the notice, ceased to be the owner of the land, he shall, upon information duly laid by him, and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have the person who then became the owner of the land (in this section referred to as "the subsequent owner") brought before the court in the proceedings.

(3) If, after it has been proved that any steps required by the enforcement notice have not been taken within the period allowed for compliance with the notice, the original defendant proves that the failure to take those steps were attributable, in whole or in part, to the default of the subsequent owner—

- (a) the subsequent owner may be convicted of the offence; and
- (b) the original defendant, if he further proves that he took all reasonable steps to secure compliance with the enforcement notice, shall be acquitted of the offence.

(4) If, after a person has been convicted under the preceding provisions of this section, he does not as soon as practicable do everything in his power to secure compliance with the enforcement notice, he shall be guilty of a further offence and liable—

- (a) on summary conviction to a fine not exceeding £100 for each day following his first conviction on which any of the requirements of the enforcement notice (other than the discontinuance of the use of land) remain unfulfilled; or
- (b) on conviction on indictment to a fine.

(5) Where, by virtue of an enforcement notice, a use of land is required to be discontinued, or any conditions or limitations are required to be complied with in respect of a use of land or in respect of the carrying out of operations thereon, then if any person uses the land or causes or permits it to be used, or carries out those operations or causes or permits them to be carried out, in contravention of the notice, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding £2,000, or on conviction on indictment to a fine; and if the use is continued after the conviction he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £100 for each day on which the use is so continued, or on conviction on indictment to a fine.

(6) Any reference to this section to the period allowed for compliance with an enforcement notice is a reference to the period specified in the notice for compliance therewith of such extended period as the local planning authority may allow for compliance with the notice.

Note.—Attention is also directed to section 91 relating to the execution and costs of works required by enforcement notice, section 110 which contains supplementary provisions as to appeals to the Secretary of State and section 243 relating to the validity of Enforcement Notices.

HC



Department of the Environment and Department of Transport

Common Services

Room 1408

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 938

Switchboard 0272-218811

15419

CHIEF EXECUTIVE
OFFICER

17 FEB 1986

File Ref.

Relat. ...

Cleared ...

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCILGTN 2074
Council's Ref: -4/0153/85E

P L Story Esq
West Beaney
Little Gaddesden
BERKHAMSTED
Herts

Ref.						Act.	
C.P.O.	D.P.	D.C.	B.C.	Admin.	File		
Received				18 FEB 1986			

Your reference

Notice of appeal dated 22/1/85

Our reference

T/APP/A1910/C/85/513/P6

Date

14 FEB 86

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
LAND AND BUILDINGS AT BRICKWALL SPINNEY, FRITHSDEN, HERTS

1. I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against an enforcement notice issued by the Dacorum Borough Council concerning the above mentioned land and buildings. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on 12 November 1985.

2. a. The date of the notice is 17 January 1985.

b. The breach of planning control alleged in the notice is the erection of a stable/store shed on that part of the land shown coloured orange on the attached plan.

c. The requirements of the notice are:

i. the demolition and removal from the land of the stable/store shed, the concrete base and the hardstanding; and

ii. the restoration of the land to its condition before the unauthorised development took place.

d. The period for compliance with the notice is 6 months.

e. The appeal was made on the grounds set out in Section 88(2)(a) and (c) of the 1971 Act as amended.

3. The appeal site, shown edged red on the plan attached to the notice, is an L shaped paddock with an area of about 0.67 of an acre (0.27 ha). It is divided from the grass fields on each side by post and wire fences and from the field behind, which is on top of a ridge, by a brick wall topped by an overgrown bank. In front near the lane the site has a frontage about 12 m wide and it runs back uphill as a strip of about this width, before widening out to about 30 m wide at the back. Near the upper north western corner there is a wooden shed, clad with weather boarding and having a ridged roof covered with mineralised felt. The shed is about 12 ft square (3.66 m x 3.66 m) and it stands on a concrete base, with a hardstanding of concrete slabs about 3 ft wide in front, which is overhung by an extension of the roof. The concrete base extends beyond the shed to the east with dimensions about 15 ft square (4.57 m x 4.57 m). The door of the shed is divided in the manner of a stable door. Inside I observed a mini-tractor with an attached

mower, hand rakes, oil cans, bales of straw and a wicker chair; outside on the concrete standing was a small trailer. There were no animals on the site at the time of my inspection.

4. On the form for your appeal you marked the box for ground (c) "that the breach of planning control alleged in the enforcement notice has not taken place." It is clear from my inspection of the site, and indeed from your own statement of facts in support of this ground, that ground (c) does not apply to your case. The breach alleged in the notice is a building operation, without the required planning permission, by the erection of a stable/store shed on that part of the land shown coloured orange on the attached plan. You stated: "I therefore erected the shed. We then moved." On the land on the part indicated on the plan there is a shed, which could be used either as a store or a stable, or as both, and which appears to me to have been erected recently. And so it is obvious that what the notice alleges as the breach has indeed taken place.

5. The other facts which you state support an appeal on ground (b) "that the matters alleged in the enforcement notice do not constitute a breach of planning control." This ground covers your argument that planning permission was not required for the erection of the stable/store shed and so there was no breach of planning control. Other facts given by you support ground (a) of appeal, that if planning permission is required for the development in the notice it should be given.

6. I will deal first with ground (b), as the alternative to the incorrectly marked ground (c). Section 22(1) of the 1971 Act defines "development" as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of a material change in the use of any buildings or other land. Section 23(1) of the Act states that subject to the provisions of this section, planning permission is required for the carrying out of any development of land. The erection of the shed and its concrete base on the appeal land is a building operation and the various provisions in Section 23 of the Act do not apply to it. Therefore specific planning permission is required for the operation, unless general permission has been given for it by article 3 and Schedule 1 - of the Town and Country Planning General Development Order 1977, as amended.

7. A determination under Section 53 of the 1971 Act was given to you on 3 December 1982 by the council, that planning permission was required for the erection of stables and ancillary buildings on land near Brickwall Cottage, because they were not buildings requisite for the use of that land for the purposes of agriculture and so did not fall within the development permitted for agricultural buildings, works and uses in Class VI of Schedule 1 to the General Development Order, 1977. Planning permission was subsequently given to erect those stables in January 1983 and they have been erected. The same reasoning as in that determination applies to the erection of the stable/store shed upon the appeal site. The land on the site is not "agricultural land" as interpreted in Section 2 of the General Development Order, 1977 and in the Agriculture Act 1947 to which it refers, because the land is not being used for "agriculture - - for the purposes of a trade or business." Therefore, notwithstanding that by virtue of Section 22(2)(e) of the 1971 Act you could use the land for grazing a horse without involving development, there is no general permission to erect the appeal stable/store shed on the land under Class VI of the General Development Order, 1977. Specific planning permission to erect the shed is required and it has been refused; your appeal therefore fails on ground (b).

8. Turning to ground (a) of appeal, I consider that whether permission should be given to retain the shed on the site turns upon the answer to the question whether its appearance is harmful to the natural beauty of the locality in which it is situated.

9. On this question the shed has been placed in an isolated position, high upon a steep bank, where it can be seen plainly at distances of about 100 to 150 m from places along the lane, which runs near the bottom of the valley. There is a double hedge of Forsythia bushes and 2 thorn bushes near the shed, which would hide it from view from a westerly direction when the leaves are on the bushes, but not in winter nor from the south and south-east. Some evergreen trees, which are about 3 or 4 ft high, have been planted near the southern boundary of the wider part of the site, but it would be several years before these trees conceal the shed and the trees themselves are not in keeping with the natural deciduous vegetation of the surroundings.

10. The site is in a rural locality within the Chilterns Area of Outstanding Natural Beauty. There are policies in both the County Structure Plan and in the Dacorum District Plan restricting further development in this area in order to preserve the natural beauty of the scenery. The appeal shed standing by itself, high on the grassed bank is harmful to the natural beauty of the area. Other loose boxes in the vicinity are situated in less conspicuous positions, near the bottom of the valley or close to houses. I do not consider that the storage of machinery, which you mention, justifies the erection of the appeal shed; such machinery could be stored elsewhere and brought to the site when required for mowing or other purposes.

11. I have taken into account all other matters in the representations, including the objections to the development in the notice by several neighbours and organisations. I am satisfied that they do not alter my conclusion that planning permission should not be given to retain the appeal shed on the site.

FORMAL DECISION

12. In exercise of the powers transferred to me and for the above reasons, I hereby dismiss your appeal and uphold the enforcement notice. Also on the application deemed to have been made under Section 88B(3) of the 1971 Act, as amended by the Act of 1981, I refuse to grant planning permission to retain the stable/store shed erected on the land.

RIGHT OF APPEAL AGAINST DECISION

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

I am Sir

Your obedient Servant

H. St J. Grant

H St J GRANT
Inspector

ENC