

4/1352/90



DEPARTMENT OF THE ENVIRONMENT

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Your reference

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APP/G/91/A1910/1

Date

January 1991

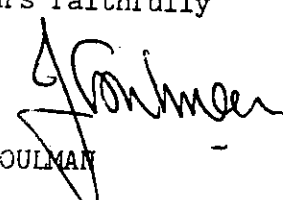
29 JAN 1991

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 64
DETERMINATION APPEAL**

1. I refer to your letter and enclosures dated 19 December 1990 lodging an appeal against the failure of Dacorum Borough Council to determine within the specified period an application for a determination under Section 64 of the Town and Country Planning Act as to whether the use of the land ~~by~~ ^{at} Barbrack ~~at~~ ^{at} Pit Farm Lane, Hemel Hempstead, for light industrial development would constitute development for which planning permission would be required.
2. It is considered that an application or appeal made under Section 64(1) must relate to a proposal to carry out a specific operation or use. A Section 64 determination is not a means of obtaining some general interpretation of the 'use rights' attached to any land or where a change of use is proposed. A determination can only be made by comparing the present, or last use with a specific proposed use and to describe the proposed use in the terms stated is insufficient. It is essential that both the existing and proposed uses are described in full.
3. Therefore the Secretary of State proposes to take no further action subject to any further comments you may wish to make or any information you may wish to provide with the next 14 days.
4. A copy of this letter has been sent to the local planning authority for information.

Yours faithfully


J COULMAN