



DEPARTMENT OF THE ENVIRONMENT

Room TX103

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218
Switchboard 0272-218811
GTN 1374

594

The Principal Planning Officer
Dacorum Borough Council
Civic Centre
Hemel Hempstead
Herts
HP1 1HH

Your reference
4/1387/91-4/1392/91EN/AEM/DSP
Our reference
APP/C/91/A1910/614798-803(COSTS)
Date
27 May 1992

Dear Sir

LOCAL GOVERNMENT ACT 1972 -- SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 - SECTIONS 174 AND 175(7)
APPEAL BY MRS KNAPPE AND OTHERS
LAND AT THE SPINNEY, CHIPPERFIELD ROAD, KINGS LANGLEY
APPLICATION FOR COSTS

1. I acknowledge receipt of your letter dated 21 May 1992 notifying withdrawal of your application for costs against the appellants.

2. No further action will be taken in this case.

Yours faithfully

MS V Bartlett

MS V BARTLETT

Planning and Development Control Division 2

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref						Ack.
DeP	T.C.P.M.	D.P.	✓	D.C.	Admin.	File
Received			29 MAY 1992			
Comments						



100%
RECYCLED PAPER



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PLANNING DEPARTMENT					
DACORUM BOROUGH COUNCIL					
Ref.	DP.	BC.	APP.	C.	Ack.
15					
Received 15 MAY 1992					
Comments					

Your reference
4/1387/91-4/1392/91EN/AEM

Our reference
A1910/614798-803(COSTS)

Date
14 MAY 1992

Dear Sir

LOCAL GOVERNMENT ACT 1972 - SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 - SECTIONS 174 AND 175(7)
LAND AT THE SPINNEY, CHIPPERFIELD ROAD, KINGS LANGLEY
APPEALS BY MRS KNAPPE AND OTHERS
APPLICATION FOR COSTS

1. I refer to your letter of 30 April 1992 in connection with the above mentioned appeals. Although the appeals have been withdrawn, I am unable at this stage to consider the substance of your submission on the Council's behalf pending the validity of the claim for costs being decided.
2. The Secretary of State's power to award costs in the case of enforcement appeals where no inquiry is held is stated in section 175(7) of the 1990 Act. Section 322A applies only to appeals lodged after 2 January 1992. DOE Circular 23/91 explains the provisions further and includes a policy statement in addition to that set out in DOE Circular 2/87.
3. The Secretary of State expects that in inquiry cases (paragraph 6 of Circular 2/87) applications should be made at the inquiry. It is appreciated that this is not possible in those cases falling within the category in paragraph 2 of the above mentioned Circular where clearly they may be made before the appeal decision. Alternatively it would follow that parties would be in a position to formulate and submit an application for an award immediately in the post decision period or following a withdrawal. You will also wish to refer to paragraphs 23-25 of Circular 23/91 which set a maximum deadline of 4 weeks after the relevant event. In this instance therefore he would as a first step wish to know your reasons for the delay from 6 March 1992 in submitting your proposed application. Paragraph 27 of the Circular expressly states that an application for costs after proceedings are completed will be entertained only if the party claiming costs can show good reason for not having done so earlier. Upon hearing from you the Secretary of State will decide whether your Council's application is admissible.



4. The Secretary of State attaches great importance in the case of late claims to time limits being observed and, equally, he wishes to resolve questions of admissibility speedily. Accordingly I am to request that you reply not later than 14 days from the date of this letter.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'S. Wilson', with a stylized flourish at the end.

MRS J WILSON
Planning and Development Control
Division 2

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

DACORUM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

Material Change of Use

LAND AT THE SPINNEY, CHIPPERFIELD ROAD, KINGS LANGLEY

W H E R E A S:

- (1) It appears to the Dacorum Borough Council ("the Council") being the local planning authority for the purposes of s.172 of the Town and Country Planning Act 1990 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 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 considers 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 its powers contained in the said section 172, for the reasons set out in the Annex to this Notice.

NOTICE IS HEREBY GIVEN that the Council requires that the steps specified in Schedule 3 below be taken in order to remedy the breach within the period of Twelve months from the date on which this Notice takes effect

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of
s.175(4) of the Act, on 19th September 1991.

SCHEDULE 1

LAND OR PREMISES TO WHICH THIS NOTICE RELATES:

Land at The Spinney Chipperfield Road Kings Langley
Hertfordshire shown edged red and coloured green on the attached
plan

SCHEDULE 2

ALLEGED BREACH OF PLANNING CONTROL:

The change of use of part of the ground floor from residential
use to office use

SCHEDULE 3

STEPS REQUIRED TO BE TAKEN:

The cessation of use of part of the ground floor as office use

Issued 8th August 1991

Council's address:

Civic Centre
Marlowes
Hemel Hempstead
Herts HP1 1HH

(signed) K.M. Purdy

(Designation) Director of Law and
Administration

(The Officer appointed for this
purpose)

THE ANNEX

This information is given in pursuance of the Town and Country Planning (Enforcement Notices and Appeals) Regulations 1981 and Circular 38/81.

The Council, as the local planning authority, considers it expedient to serve this Notice upon you for the following reasons:

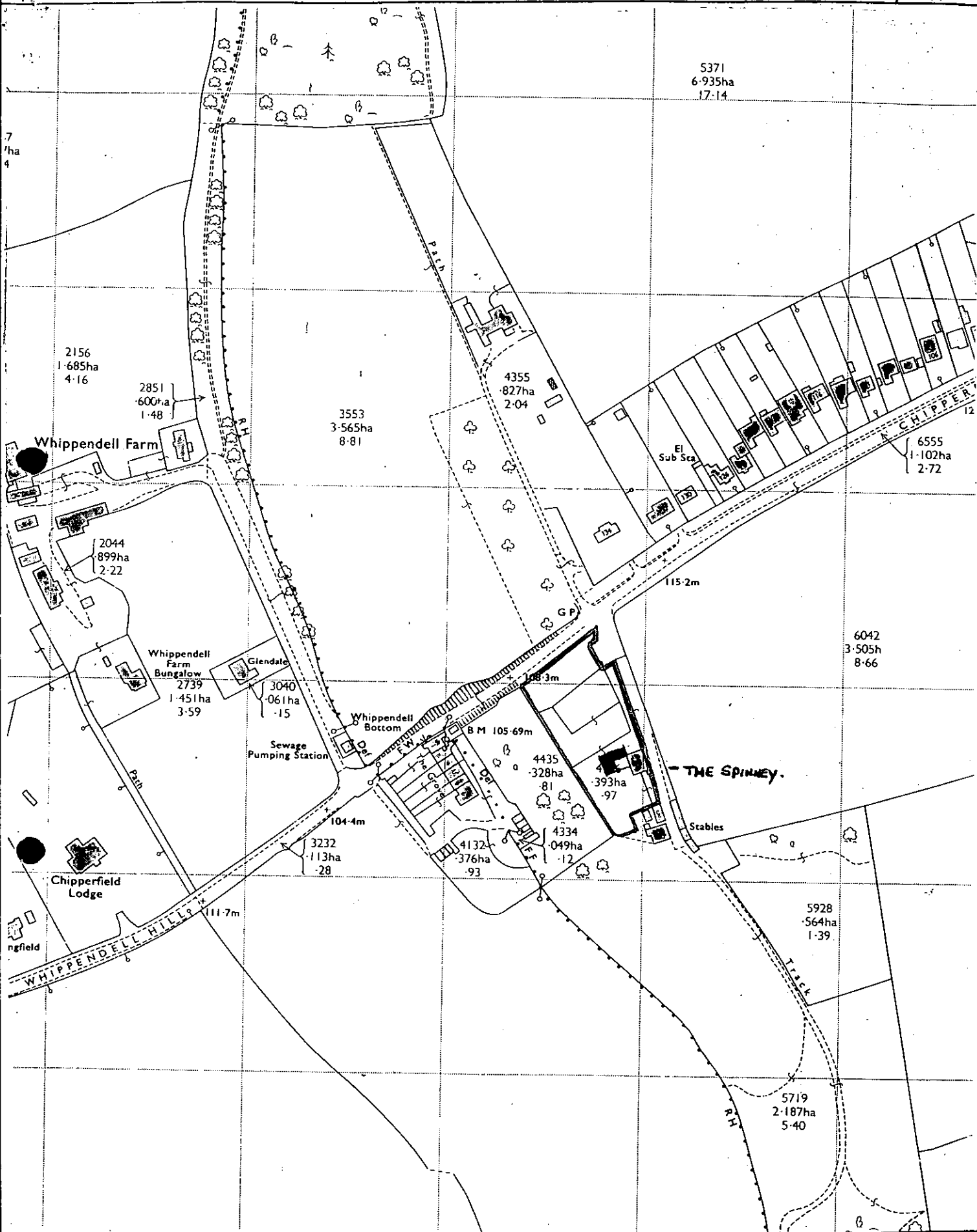
The site is located outside the designated "commercial" areas of the town centres of Hemel Hempstead, Berkhamsted and Tring as shown in detail in the Proposals Map of the adopted Dacorum District Plan (1984). The use of the buildings for office purposes is contrary to the aims of policy 53 of the District Plan which seeks to concentrate office development in the "commercial" areas .

The site lies within the Metropolitan Green Belt as shown diagrammatically in the Approved County Structure Plan 1986 Review (1988) and in detail in the Proposals Map of the District Plan. Within the Green Belt, there is a general presumption against inappropriate development, as expressed in Department of Environment Planning Policy Guidance Note 2, and approval should not be given, except in very special circumstances for the construction of new buildings or for the change of use of existing buildings for purposes other than agriculture and forestry, outdoor sports, cemeteries, institutions standing in large grounds or other uses appropriate to a rural area. The site is not within the designated "specified settlement" of Kings Langley nor in towns within the Borough where development proposals would normally be directed in accordance with adopted policies. No evidence has been submitted in accordance with policies 4 and 54 of the District Plan to demonstrate that there is an exceptional or particular need for the use in the locality within which the site is situated or that it meets the employment needs of local services in the rural part of the Borough that cannot practicably be located elsewhere. There are no special circumstances known to the local planning authority to justify an exception being made to these policies.

Though the use is small in scale, acceptance in one instance is likely to lead to further similar uses being developed and which cumulatively undermine the objectives of approved policies and the overall effect would be harmful to the character of the Green Belt which the policies seek to preserve. The activity generated by the employment of persons on the site in connection with the office use and by the use of the premises for office purposes is by its nature inappropriate in the Green Belt and harmful to its character. Without special justification the objectives of the Green Belt would be significantly harmed and encourage similar developments elsewhere in the Green Belt.

7.91/ENF/SPINNEY/RH/AB/BS.5

THE SPINNEY, CHIPPERFIELD ROAD, KINGS LANGLEY.



PLAN REFERRED TO IN ENFORCEMENT NOTICE DATED

SCALE :
APPLICATION No.

DACORUM BOROUGH COUNCIL,
CIVIC CENTRE, MARLOWES,
HEMEL HEMPSTEAD.

Based on the O.S. Map with the sanction of the Controller of H.M. Stationary Office
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