

MEMORANDUM From:

To:

BOROUGH SECRETARY

CHIEF PLANNING OFFICER

My Ref. JV/JDS/2447/15/1

Date. 22nd January 1985

Your Ref.

Decision
4/1413/84D/DJW/ED

Decision

LAND TO THE REAR OF 32 COWPER ROAD, HEMEL HEMPSTEAD

I thank you for your memorandum dated the 17th December 1984. On the 14th December 1984 the Council sold this property to a Mr. and Mrs. Ring for £21,500, and a covenant was imposed that the property could only be used for residential purposes.

I have previously researched this matter in some detail, and discussed it with your Mr. G. Bailey. Our joint opinion was that it would be extremely difficult to determine whether or not planning permission was required, and that it would be safer to rely on a covenant in the conveyance. I would have thought that this was sufficient protection for Mr. Howard, as I understand he is simply a concerned neighbour and has no intention of using the land.

Indeed, in my opinion, I doubt whether the procedure under s.53 is available to Mr. Howard on a strict reading of it. Mr. Howard obviously, and quite naturally, hopes that the Council will decide that planning permission is required. This seems most unfair to the owner, since in most cases the applicant would be hoping for the opposite decision and would strive to put all facts before the Council. In the present case, it seems unlikely that the Council would get all this information unless it approached the owners and their predecessors in title. This is especially true as this Council has itself already shown that it wishes to prevent the use. Both the applicant and the Council would therefore appear to wish to arrive at the same conclusion, which is most unusual for such an application.

I believe, therefore, that the Council should decline to determine the application, on the basis that the procedure is not open to Mr. Howard.

J. Vaughan

for BOROUGH SECRETARY.

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
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