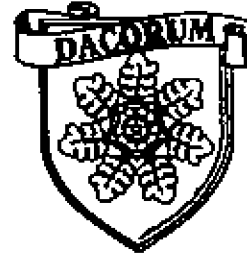


TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr J Rance
'Venuto'
Love Lane
Kings Langley
Herts

Collett Design
17 Collett Road
Hemel Hempstead
Herts

Detached bungalow and garage (Outline)

at Land adjacent to 'Kilve', Megg Lane, Chipperfield

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 25 August 1988 and received with sufficient particulars on 25 August 1988 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 adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.

Dated 20 day of October 19 88

Signed.....

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.



Planning Inspectorate
Department of the Environment

Room 1121 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218915/36/38

Switchboard 0272-218811

GTN 1374

PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

Mr J D Rance,
'Venuto',
Love Lane,
Kings Langley,
Herts
WD4 9HN

Ref.

Ack.

C.P.O.

T.C.P.M.

D.P.

D.C.

B.C.

Admin.

File

Received

7 SEP 1989

Comments

Your reference:

Council reference:

4/0288/89E

Our reference:

T/APP/C/89/A1910/000002/P6

Date:

-4 SEP 89

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
LAND ADJACENT TO KILVE, MEGG LANE, CHIPPERFIELD.

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against an enforcement notice issued by the Dacorum Borough Council concerning the above mentioned land. 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 14 August 1989.

2. a. The notice was issued on 13 January 1989.

b. The breach of control alleged in the notice is the making of a material change in the use of land adjacent to 'Kilve', Megg Lane, Chipperfield, shown edged red on the plan attached to the notice, from disused agricultural land to use as a site for the storage of building materials, without the grant of planning permission required in that behalf.

c. The requirements of the notice are the discontinuance of the said land and buildings thereon as a site for the storage of building materials and the removal of the said building materials from the above land.

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

e. The appeal was made solely on the ground set out in Section 88(2)(a) of the 1971 Act, as amended.

3. From my inspection of the site and its surroundings, and from the representations made, it is my opinion that the principal issue in this case is whether or not the appeal development is in unacceptable conflict with green belt policy.

4. The appeal site is within the Metropolitan Green Belt as defined in the adopted Dacorum District Plan. In my opinion the use of the appeal site for the storage of building materials does not fall within any of the categories of development which might be permitted in the green belt by virtue of Policies 1 or 51 of the approved Hertfordshire County Structure Plan (1986 Review) or Policies 1 or 4 of the Dacorum District Plan. Consequently, it is

my judgement that the continuation of this use would be contrary to the presumption against development in the green belt and unacceptable unless some overriding justification could be established.

5. I note that you have owned the land since 1978 and have maintained the frontage of the property out of respect for the amenities of local residents; that you keep a limited amount of materials at the appeal site, the majority being delivered directly to where you are working; that you have left the entrance ungated to allow vehicles to turn around; and that no complaints were made to the council prior to your recent application for planning permission. As I saw on my site visit, the present building on the appeal site is the remains of a much larger building; and I also observed the screening effect of planting along the boundary and adjacent to the access. However, these considerations do not, in my judgement, amount to any compelling reason for allowing the use of this particular land for the storage of building materials.

6. I appreciate that the council have known about the use for some time, as you have been paying rates since April 1981, but, neither this, nor any of the other matters raised, is sufficient to outweigh the strong presumption against inappropriate development which I believe is properly applied to this area of green belt.

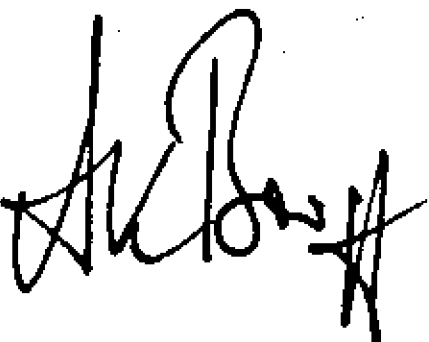
FORMAL DECISION

7. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal, uphold the notice and refuse to grant planning permission on the application deemed to have been made under Section 88B(3) of the 1971 Act.

RIGHT OF APPEAL AGAINST DECISION

8. 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



A K BRAGG FRICS MRTPI
Inspector

(a)

DACORUM BOROUGH

Council

TOWN AND COUNTRY PLANNING ACT 1971
(as amended)

Enforcement Notice

Material Change of Use

(b) Land adjacent to 'Kilve' Megg Lane Chipperfield Herts

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 six ~~days~~ [months] from the date on which this notice takes effect] [the period specified in respect of each step in that schedule].^(f)

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 88 (10) of the Act, on 20th February 1989.^(g)

Issued 13th January 1989.

Council's address —

(Signed)

Keith Hunt

(Designation)

Borough Secretary

(The officer appointed for this purpose)

CONTINUED OVERLEAF — P.T.O.

NOTES TO THE LOCAL PLANNING AUTHORITY

- (a) Insert the name of the Council issuing the notice.
(b) Insert the address or a description of the land to which the notice relates.
(c) 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."
(d) See paragraph 29 of DOE Circular 38/81 (Welsh Office Circular 57/81).
(e) 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.
(f) 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.
(g) 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)

4/0288/89E

Land adjacent to 'Kilve' Megg Lane Chipperfield Herts.

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 of the above land and buildings thereon from use as disused agricultural land to use as a site for the storage of building materials.

SCHEDULE 3

Steps required to be taken.^(k)
(i)

The discontinuance of the use of the said land and buildings thereon as a site for the storage of building materials and removal of the said building materials from the above land.

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.

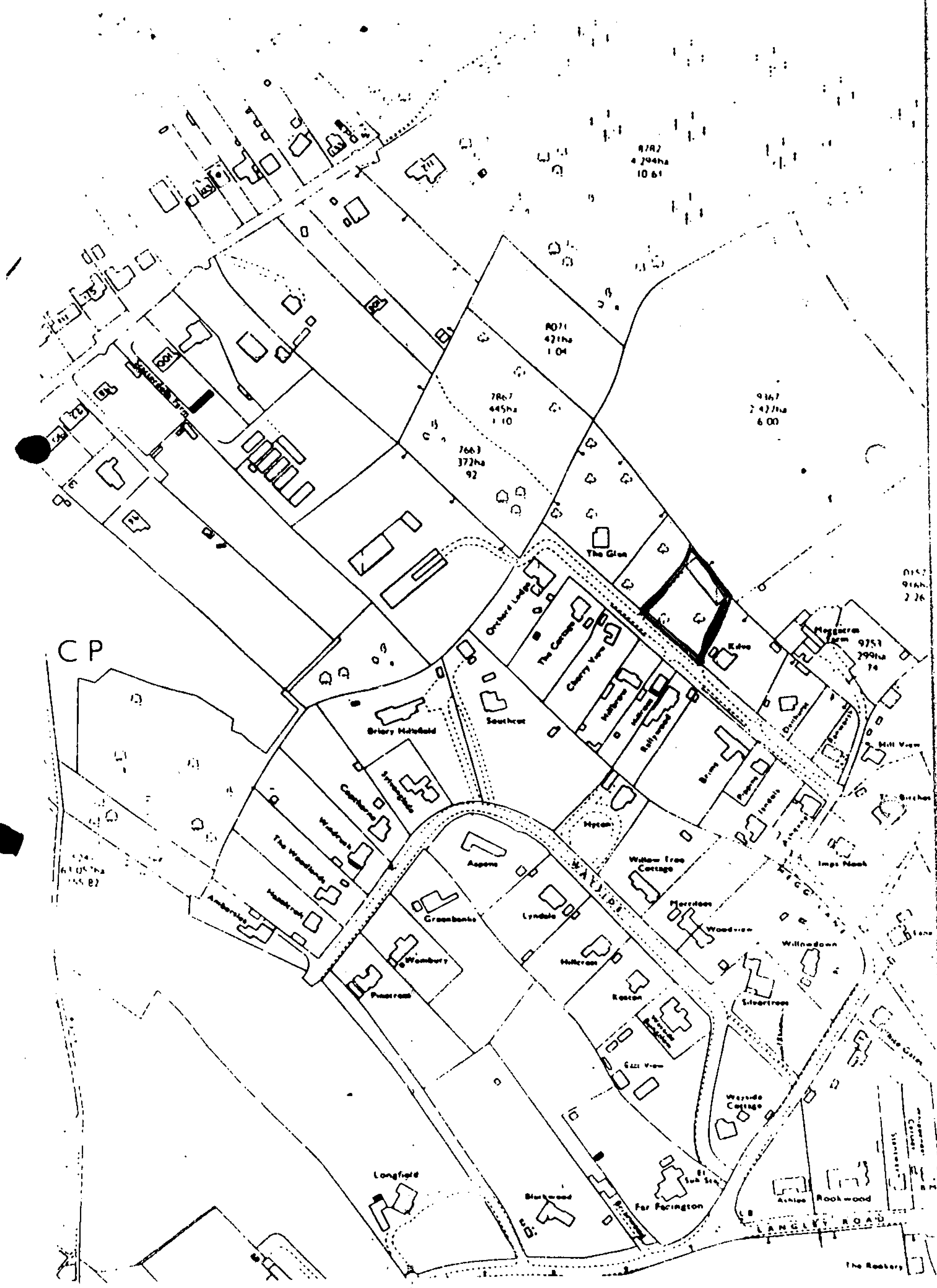
4/0288/89E

ANNEX TO ENFORCEMENT NOTICE DATED: 13th January 1989

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, consider it expedient to serve this Notice upon you for the following reasons(s):-

The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permissions will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participating sport or recreation. No such need has been proven and the development is unacceptable in the terms of this policy.



9782
4 204ha
10 61

2071
421ha
1 04

7867
445ha
1 10

7663
372ha
92

9367
2 427ha
6 00

0157
916ha
2 26

9753
290ha
74

CP

6105ha
15 87

Briary Hillfield

Southcot

Oxford Lodge

The Cottage

Cherry View

Walden

Walden

Billywade

Kew

Magdalen Farm

Mill View

St. Bricker

Imps Mead

Willow Tree Cottage

Morrison

Woodview

Willowdown

Silverstream

Weyde Cottage

Ashlee

Rookwood

The Reckery

LANGLEY ROAD

Far Fecington

Blackwood

Longfield

Wombury

Greenbank

Aspens

Lyndale

Walden

Keston

St. View

The Woodlands

Walden

Walden

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