

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To

Mr M Booth
58 Hales Park
Wood Lane End
Hemel Hempstead
Herts

Mr P Burdess
31 Ringshall
Berkhamsted
Herts
HP4 1HD

| |
|---|
|Terraced Dwelling..... |
| |
| atAdj: 58 Hales Park, Wood Lane End,..... |
| Hemel Hempstead, Herts..... |


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 dated25.8.88..... and received with sufficient particulars on30.8.88..... and shown on the plan(s) accompanying such application.

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

The Proposal is considered unacceptable by reason of the proximity of the dwelling to a large Ash Tree, the subject of a Tree Preservation Order which would totally dominate both dwelling and garden and give rise to pressure for the subsequent removal of the tree.

Dated FOURTH day of JANUARY 19 89

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 1404 Tollgate House Houlton Street Bristol BS2 9DJ

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 GTN 1374

 JDN
 JCS

| PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL | | | | |
|--|-----|------|----|-----------------|
| Mr Paul Burgess | UP. | D.C. | C. | CHIEF EXECUTIVE |
| Architect | | | | |
| 31 Ringshall | | | | |
| BERKHAMSTEAD | | | | |
| Herts | | | | |
| Received | | | | |
| HP4-IND | | | | |
| Comments | | | | |
| Sir | | | | |

13 DEC 1989

File Ref.

Refer to

Cleared

Your reference

111

Our reference

T/APP/A1910/A/89/122211/P4

Date

11 DEC 89

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MICHAEL BOOTH
 APPLICATION NO: 4/1637/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for erection of a new 2 bedroom dwelling in the garden of 58 Hales Park, Wood Lane End, Hemel Hempstead, Herts. I have considered the written representations made by you and by the Council and an interested person. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 12 September 1989.

2. From my inspection of the site and its surroundings and my examination of the representations made I consider the main issue in this case is whether the proposal is likely to harm the character and appearance of the surroundings through the prospective loss of a tree.

3. The proposed house would be built as an extension to an existing terrace into the garden of No 58 which is significantly larger than those of neighbouring houses. It would be similar to existing houses in the development with a garden of similar size. There is however an Ash tree (T7) adjacent to the boundary of the appeal site. It is one of several trees in the vicinity which are the subject of a tree preservation order.

4. You have submitted a report from a tree surgeon which indicates that the construction of the house would be unlikely to endanger the tree. The Council has not presented expert evidence to challenge this and because there would be some 5 m between the nearest proposed wall and the tree I share your view.

5. I note that the tallest trunk stands vertical to a height of approximately 22 m whilst the others are inclined away from the appeal site. There appears to be a measure of agreement that some trimming of the crown may be desirable for the preservation of the tree. It is suggested that it would still stand some 17 m high and to my mind it would still make a full contribution to the character and appearance of the area. However, in these circumstances, I do not consider that the tree would so dominate the proposed house that there would inevitably be strong pressure to have the tree felled or that any such pressure would have to be acceded to. Thus I conclude that the proposal would not increase the risk of the tree being felled and the consequent harm to the character and appearance of the surrounding area.

6. I viewed the proposed parking space at the rear of the appeal site. I consider it would be convenient for residents but less so for the occasional visitor who



would wish to approach via the front door. However with communal provision of visitor parking I would expect this to be at most an occasional inconvenience and not a substantial objection to the proposal. In reaching my decision I have taken account of this and the other matters raised, but these do not alter my conclusion on the main issue.

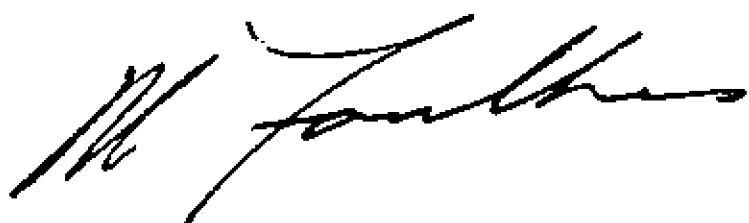
7. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for erection of a new 2 bedroom dwelling in the garden at 58 Hales Park, Wood Lane End, Hemel Hempstead, Herts in accordance with the terms of the application No 4/1637/88 dated 25 August 1988 and the plans submitted therewith, subject to the following conditions:

1.
 - a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site hereinafter called 'the reserved matters' shall be obtained from the local planning authority;
 - b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;
2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

8. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

9. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



M FOULKES CEng BScEng MICE
Inspector

Department of the Environment

TOWN AND COUNTRY PLANNING ACT 1971
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

Certificate under Section 27

CERTIFICATE A

I certify that:

1. At the beginning of the period of 21 days ending with the date of the accompanying appeal nobody, except the appellant, was the owner (i) of any part of the land to which the appeal relates.

(ii)

*2. None of the land to which the appeal relates is, or is part of, an agricultural holding.

OR:

~~*2 I have/The appellant has* given the required notice to every person other than my/him/her*self who, at the beginning of the period of 21 days ending with the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as follows:~~

Tenant's Name (iii)

Address at which notice
was served

Date on which notice
was served

Signed.....

*On behalf of... M. POOTH ESQ.....

Date..... 10 APRIL 1988

*Delete where inappropriate

NOTES

(i) 'owner' means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver)

(ii) ONLY ONE of the paragraphs numbered 2 must be deleted

(iii) if you are the sole agricultural tenant enter 'not applicable'

Town and Country Planning Acts 1971 - 1974

Insert title of
Order.

DACORUM BOROUGH COUNCIL
(LAND REAR OF 100-116 WOOD LANE END, HEMEL HEMPSTEAD)
TREE PRESERVATION ORDER, 19⁸⁵.

Insert name
of
local planning
authority.

DACORUM BOROUGH COUNCIL

in this order called "the authority" in pursuance of the powers conferred in that behalf by Section 60 [and 61*] of the Town and Country Planning Act 1971 (as amended by Section 10 (1) of the Town and Country Amenities Act 1974), and subject to the provisions of the Forestry Act 1967, hereby make the following Order:—

1. In this Order:—

"the Act" means the Town and Country Planning Act 1971;

"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more and a mortgagee in possession; and

~~"the Secretary of State" means the [Secretary of State for the Environment] [Secretary of State for Wales]~~

2.—Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto† which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3.—An application for consent made to the authority† under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4.—(1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent.

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

* Include only where Order contains a direction under section 61 of the Act.

† Map to be to a scale of not less than 25 inches to one mile (1:2500), except in the case of large-woodlands when the scale shall be 6 inches to one mile (1:10000 or 1:10560).

† NOTE.—If it is desired to *fell* any of the trees included in this Order whether included as trees, groups of trees or woodlands and the trees are trees for the felling of which a licence is required under the Forestry Act, 1967, application should be made *not* to the authority for consent under this Order but to the Conservator of Forests for a licence under that Act (section 15 (5)).

(2) The authority shall keep a register of all applications for consent under this C containing information as to the nature of the application, the decision of the auth thereon, any compensation awarded in consequence of such decision and any direction to replanting of woodlands; and every such register shall be available for inspection by public at all reasonable hours.

5.—Where the authority refuse consent under this Order or grant such consent su to conditions they may when refusing or granting consent certify in respect of any for which they are so refusing or granting consent that they are satisfied—

- (a) that the refusal or condition is in the interests of good forestry; or
- (b) in the case of trees other than trees comprised in woodlands, that the have an outstanding or special amenity value.

6.—(1) Where consent is granted under this Order to fell any part of a woodland c than consent for silvicultural thinning then unless—

- (a) such consent is granted for the purpose of enabling development to be ca out in accordance with a permission to develop land under Part III of Act, or
- (b) the authority ~~with the approval of the Secretary of State~~ dispense replanting,

the authority shall give to the owner of the land on which that part of the woodlar situated a direction in writing specifying the manner in which and the time within w he shall replant such land and where such a direction is given and the part is felled owner shall, subject to the provision of this Order and section 175 of the Act, replan said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirem as to—

- (a) species;
- (b) number of trees per acre (hectare);
- (c) the erection and maintenance of fencing necessary for protection of replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top;
- (e) protective measures against fire.

7.—On imposing any condition requiring the replacement of any tree under Artic of the Order, or on giving a direction under Article 6 of this Order with respect to replanting of woodlands, the authority shall if such condition or direction relates to in respect of which byelaws made by a water authority since 31st March 1974, by any o authority (whose functions are now exercised by a water authority) who at any time prio 1st April 1974 exercised the functions in respect of which the byelaw was made, by a drain board, or by the Greater London Council in the exercise of its functions in relatio maintenance, improvement or construction of watercourses or of drainage works, res or regulate the planting of trees, notify the applicant or the owner of the land, as the may be, of the existence of such byelaws and that any such condition or direction has e subject to the requirements of the water authority, the drainage board, or the Gre London Council under those byelaws and the condition or direction shall have e accordingly.

8.—The provisions set out in the Third Schedule to this Order, being provision Part III of the Act adapted and modified for the purposes of this Order, shall appl relation thereto.

9.—Subject to the provisions of this Order, any person who has suffered loss or dam in consequence of any refusal (including revocation or modification) of consent under Order or of any grant of any such consent subject to conditions, shall, if he makes a cl on the authority within the time and in the manner prescribed by this Order, be entitle recover from the authority compensation in respect of such loss or damage:

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

10.—In assessing compensation payable under the last preceding Article account shall be taken of:

- (a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 60 of the Act, or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and
- (b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

11.—(1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority, such service to be effected by addressing the claim to the authority and leaving it at or sending it by post to the principal office of the authority.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, ~~or of the Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the authority, from the date of the decision of the Secretary of State on the appeal.~~

12.—Any question of disputed compensation shall be determined in accordance with the provisions of Section 179 of the Act.

13.—[(1) The provisions of section 61 of the Act shall apply to this Order and the Order shall take effect on .]†

~~[(2) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when that tree is planted.]†~~

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £2000 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding level 4 on the standard scale of fines** on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of an Order or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by section 60(6) of the Town and Country Planning Act 1971 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days' previous notice of the removal, etc., should be given to the authority to enable the latter to decide whether or not to dispense with the requirement.

† This provision is not to be included unless it appears to the authority that the Order should take effect immediately.

† This provision may be included in relation to trees to be planted pursuant to a condition imposed under Section 59 of the Act.

** Currently £1000, subject to alteration by Order.

FIRST SCHEDULE TREES SPECIFIED INDIVIDUALLY*

(encircled in black on the map)

| <i>No. on Map.</i> | <i>Description.</i> | <i>Situation.</i> |
|--------------------|---------------------|--|
| T1 | ASH | 19m north of South eastern of site. |
| T2 | ASH | 6m north of South eastern of site. |
| T3 | ASH | 5m south west of T2, 7m north of south eastern corner of site. |
| T4 | ASH | 6m west of T2, 8m north west of south eastern corner of site. |
| T5 | ASH | 9m west of T2, 11m north west of south eastern corner of site. |
| T6 | OAK | 11m west of T3. |
| T7 | ASH | 10.5m west of T6. |

TREES SPECIFIED BY REFERENCES TO AN AREA*

(within a dotted black line on the map)

| <i>No. on Map.</i> | <i>Description.</i> | <i>Situation</i> |
|--------------------|---------------------|------------------|
| NONE | | |

GROUPS OF TREES*

(within a broken black line on the map)

| <i>No. on Map.</i> | <i>Description.</i> | <i>Situation</i> |
|--------------------|---------------------|------------------|
| NONE | | |

* The word "NONE" must be entered where necessary.

WOODLANDS*

(within a continuous black line on the map)

| <i>No. on Map.</i> | <i>Description.</i> | <i>Situation</i> |
|--------------------|---------------------|------------------|
| NONE | | |

* The word "NONE" must be entered where necessary.

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority to

- (1) the cutting down of any tree on land which is subject to a forestry dedication covenant where
 - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
 - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- (2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme or other grant scheme under section 105 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant;
- (3) the cutting down, uprooting, topping or lopping of a tree.
 - (a) in pursuance of the power conferred on the Post Office by virtue of section 5 of the Telegraph (Construction) Act 1908 and section 21 of the Post Office Act 1969, or by or at the request of the Post Office where the land on which the tree is situated is operational land as defined by the Post Office Operational Land Regulations* and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (b) by or at the request of
 - (i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1889 or interferes or would interfere with the maintenance or working of any such line;
 - (iii) a water authority established under the Water Act 1973, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1976, or the Greater London Council, where the tree interferes or would interfere with the exercise of any of the functions of such water authority, drainage board, or Council in relation to the maintenance, improvement or construction of water courses or of drainage works; or
 - (iv) the Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;
 - (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
 - (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden;

[Where the trees are within the Thames catchment area]

- [(e) in pursuance of the powers of the Thames Water Authority under section 105 of the Thames Conservancy Act 1932.]

* S.I. 1973/310.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1971 as adapted and modified to apply to this Order.

33. (1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.

35. Reference of applications to the Secretary of State.—(1) The Secretary of State may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

(5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the 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.

(6) The decision of the Secretary of State on any application referred to him under this section shall be final.

36. Appeals against decisions.—(1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.

(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

(4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the 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.

(6) The decision of the Secretary of State on any appeal under this section shall be final.

37. Appeal in default of decision.—Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either—

(a) give notice to the applicant of their decision on the application; or

(b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 35 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

45. Power to revoke or modify the consent under the order.—(1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.

(2) Subject to the provisions of sections 46 and 61 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an authority submit an Order to the Secretary of State for his confirmation under this section the authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as have been previously carried out.

(5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under subsection (2) of this section.

46. Unopposed revocation or modification of consent.—(1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

(2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

(3) The authority shall also serve notices to the same effect on the persons mentioned in subsection (1) above.

(4) The authority shall send a copy of any advertisement published under subsection (2) above to the Secretary of State, not more than three days after the publication.

(5) If within the period referred to in subsection (2) (a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in subsection (2) (b) of this section, take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 45 of the Act.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

~~GIVEN under the Common Seal of the~~

the 19 .

Made by the DACORUM BOROUGH COUNCIL, acting by the Chief Planning Officer
COLIN BARNARD, Authorised in that behalf

This 6th day of September, 1985

Signed.....*Colin Barnard*.....

Confirmed as an unopposed Order by
DACORUM BOROUGH COUNCIL acting by
the Chief Planning Officer COLIN
BARNARD authorised in that behalf

This day of 1985

Signed.....

Dated 6th September

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DACORUM BOROUGH COUNCIL
(LAND AT REAR OF 100-116 WOOD LA
HEMEL HEMPSTEAD)
TREE PRESERVATION ORDER 1985

TOWN AND COUNTRY PLANNING ACTS, 19

TREE PRESERVATION ORDER

relating to

LAND AT THE REAR OF 100-116
LANE END, HEMEL HEMPSTEAD