

**Dacorum Borough Council  
Planning Department**

Civic Centre Marlowes  
Hemel Hempstead  
Herts HP1 1HH



C W & R C SHRIMPLIN  
11 CARDIFF ROAD  
LUTON  
BEDS  
LU1 1PP

MR J CULVERHOUSE  
FANTASTIC FIREWORKS LTD  
ROCKET PARK  
HALF MOON LANE  
PEPPERSTOCK LUTON  
LU1 4LL

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/02128/99/FUL

FANTASTIC FIREWORKS LTD, BIRCHIN GROVE FARM, HALFMOON LANE,  
PEPPERSTOCK, LUTON, LU1 4LL  
ERECTION OF A REPLACEMENT OFFICE BUILDING

Your application for full planning permission dated 10 December 1999 and received on 13 December 1999 has been **REFUSED**, for the reasons set out overleaf.

A handwritten signature in black ink, appearing to read 'A. K. ...'.

Director of Planning

Date of Decision: 11 February 2000

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/02128/99/FUL**

Date of Decision: 11 February 2000

**1. The application site is located in the Metropolitan Green Belt on the adopted Hertfordshire Structure Plan Review 1991 - 2011 and as proposed in the Dacorum Borough Local Plan 1991-2011 Deposit Draft (incorporating pre - inquiry changes suggested by the Council). Within the Green Belt, planning permission will only be granted for appropriate development, in accordance with national advice contained in Department of the Environment Planning Policy Guidance Note 2 - Green Belts, Policy 3 of the adopted Dacorum Borough Local Plan and Policy 3 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft. The proposal involves a new building for Class B1 office use which is inappropriate development in a Green Belt. No exceptional circumstances have been put forward in support of the proposal. The proposal is therefore contrary to both national and local planning policies for the area.**

**2. The location of the proposed office building beyond the clearly defined limits of existing built development on this site, and away from the existing group of buildings, would adversely affect the openness of the site to the detriment of the character and appearance of the Green Belt.**

DATED

15<sup>th</sup> May

1996

DACORUM BOROUGH COUNCIL

(1)

and

JONATHAN ST LEONARD CULVERHOUSE

(2)

**P L A N N I N G   O B L I G A T I O N**

under s.106 of the Town and  
Country Planning Act 1990 in respect of  
land situate at:  
Birchin Grove Farm  
Half Moon Lane  
Nr Pepperstock  
Flamstead

Keith M Pugsley  
Director of Law and Administration  
Dacorum Borough Council  
Civic Centre  
Marlowes  
Hemel Hempstead  
Herts HP1 1HH

File Ref: 3.95/32/126/172/RH/AJF/BS.6

cTB

THIS PLANNING OBLIGATION is made  
the 16<sup>th</sup> day of May 1996  
BETWEEN DACORUM BOROUGH COUNCIL of Civic Centre Marlowes  
Hemel Hempstead Hertfordshire HP1 1HH. (hereinafter called "the  
Council") of the one part and the Owner described in the First  
Schedule hereto (hereinafter called "the Owner" which expression  
shall include the Owner's successors in title and assigns) of the  
other part

WHEREAS

- (1) The Council is the local planning authority for the purposes of the Town and Country Planning Act 1990 for the Borough of Dacorum
- (2) The Owner is entitled to the interest in the land described in the First Schedule hereto
- (3) Application has been made to the Council for planning permission under the Application Number and for the development described in the Second Schedule hereto (hereinafter called "the Development")
- (4) This Planning Obligation is made pursuant to s.106 of the Town and Country Planning Act 1990 and is enforceable by the Council
- (5) The Council is desirous of ensuring the implementation of a Management Scheme in accordance with the recommendations of Hertfordshire Environmental Records Centre and prohibiting development in certain areas of the land as set out in the Fourth Schedule hereunder

N O W T H I S D E E D W I T N E S S E T H A S F O L L O W S :

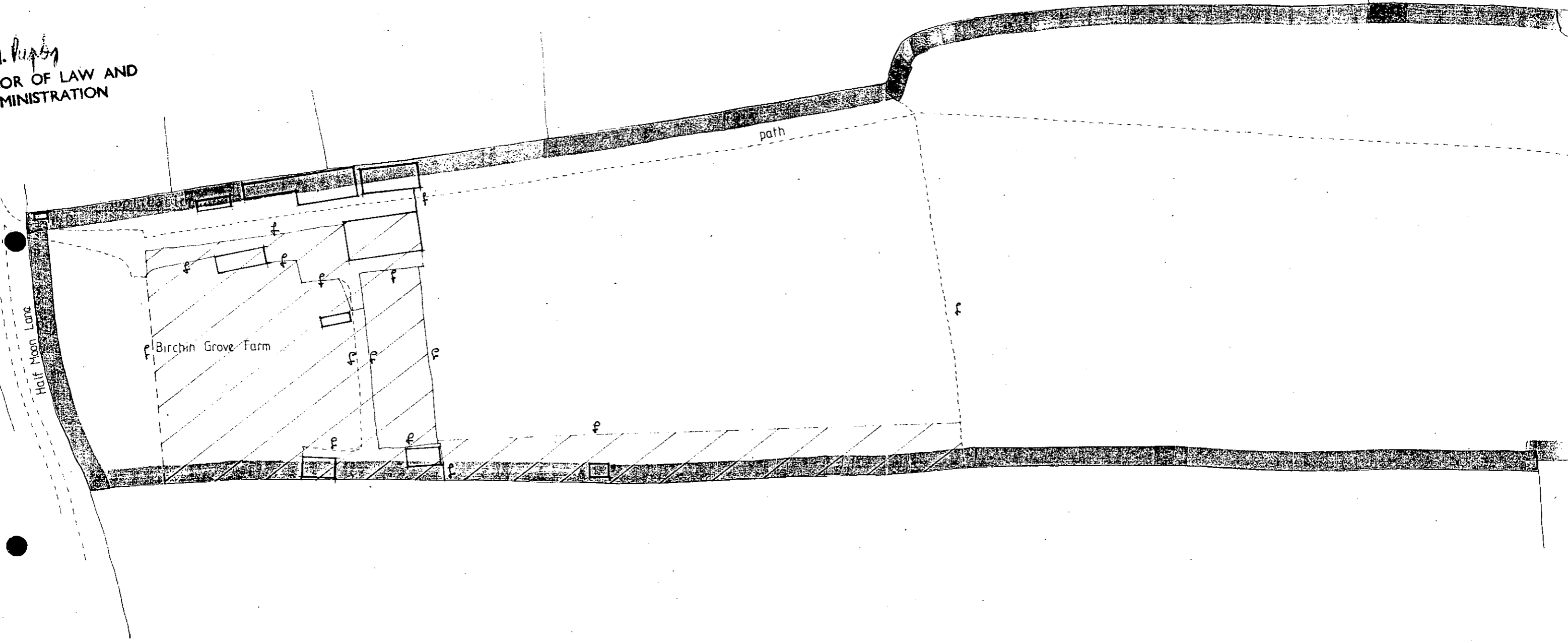
1. IN the event that planning permission with or without conditions is granted by the Council or by the Secretary of State for the Environment (hereinafter called "the permission") pursuant to the Application described in The Second Schedule hereto (hereinafter called "the Application") and the permission shall be implemented then this Agreement shall have full force and effect but not otherwise save that Clause 3 (b) hereof shall have full force and effect from the date hereof
2. IN consideration of the Covenants on the part of the Owner contained in the Third Schedule hereto the Council hereby Covenants with the Owner that the Council will forthwith grant the permission pursuant to the Application subject to conditions
3. IN consideration of the Council's Covenant contained in Clause 2 hereof the Owner hereby Covenants and undertakes with the Council
  - (a) to observe and perform the Covenants set out in the Third Schedule and Fourth Schedule hereto
  - (b) to pay the Council's reasonable costs in the preparation hereof on the execution of this Agreement
4. This Planning Obligation shall be registered as a Local Land Charge

I N W I T N E S S W H E R E O F the parties hereto have set their hands and seals to be hereunto affixed the day and year first before written

*with the*  
**EXECUTIVE**

Birchin Grove

*M. R. P. S.*  
**CTOR OF LAW AND  
ADMINISTRATION**



fences marked thus : f.

DRAWING TITLE  
SITE PLAN AS EXISTING

FIRST SCHEDULE

The Owner

Name: JONATHAN ST LEONARD CULVERHOUSE of 36 Crouch  
Hall Lane Redbourn St Albans Hertfordshire

The Land

Land at Birchin Grove Farm Half Moon Lane Flamstead  
Hertfordshire shown edged red on the Plan annexed hereto being  
plan number 4614:04

The Owner's Interest in the Land

Unencumbered fee simple in possession

SECOND SCHEDULE

The Application and the Development

Application No. 4/0860/90

The Development consists of the siting of a building for use as a workshop together with the siting of magazines at surface level of the ground within the area hatched black on the plan annexed hereto such magazines and building to be used for the storage and assembly of fireworks for display

CONDITIONS

1. The land shall be used only for the storage of fireworks and their assembly into fireworks displays

Reason: This permission is granted only because of the special nature and requirements of the use applied for

Normal industry or storage would not usually be permitted in this rural area

2. Except in emergency vehicular access shall be taken only from Half Moon Lane

Reason: To avoid the need for vehicular access across fields which are of nature conservation interest

3. Before the office building is clad in brickwork details of the bricks to be used shall be submitted to and approved by the local planning authority and the building shall be clad in the bricks as so approved

Reason: To ensure a satisfactory external appearance

4. Within six months of the date of this permission all storage containers shall be painted dark green and they shall thereafter be maintained in dark green

Reason: To ensure a satisfactory external appearance

5. No fences shall be erected on the land other than those shown on the plan annexed hereto

Reason: To prevent an unsightly proliferation of fences

6. No containers or portable buildings shall be placed on the land other than those expressly authorised by this permission

Reason: To prevent an unsightly proliferation of containers or portable buildings



7. There shall be no outside storage of goods or materials

Reason: To prevent an unsightly proliferation of open storage

8. All planting seeding or turfing shown on the approved details of planting on the plan annexed hereto shall be carried out in the first planting or seeding seasons following the date of this permission and any trees or plants which within a period of five years from the date of this permission die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year

Reason: To maintain and enhance visual amenity

### THIRD SCHEDULE

#### Covenants of the part of the Owner

The Owner hereby covenants with the Council:

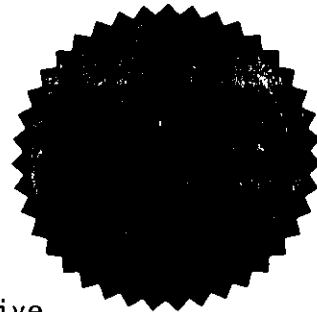
- (1) To use the land solely for the purposes described in the Development
- (2) To observe and perform the covenants stipulations and restrictions set out in the Fourth Schedule
- (3) The covenants contained in this Schedule shall only be effective if the planning permission is implemented and this Agreement completed and that the said covenants shall no longer have effect with regard to the Owner in the event that they dispose of the property

FOURTH SCHEDULE

The Management Scheme

1. (a) The Management Scheme shall be the Scheme of which a copy is annexed hereto
- (b) At five yearly intervals the Management Scheme shall be reviewed by the applicant (using a suitably qualified body approved by the Director of Planning) and review shall be submitted to and approved by the Council
- (c) That the provisions of such management scheme as may have been approved by the Council shall be carried out during the continuation of each 5 yearly period following commencement of the Development pursuant to the Permission and in every succeeding period of five years in accordance with the reviews referred to in paragraph (b) of this clause
- (d) That the provisions of paragraphs (b) and (c) of this clause shall remain in effect for so long as the Land is used for the purposes set out in the Second Schedule above

THE COMMON SEAL of )  
DACORUM BOROUGH COUNCIL )  
was hereunto affixed )  
in the presence of: )



*Keith Hunt*  
Chief Executive

*K. M. Pughy*  
Assistant Director  
(Law) and  
*Alexander*

SEAL REGISTER  
BOOK 9  
ENTRY 163

SIGNED as a Deed  
by the Owner in  
the presence of:

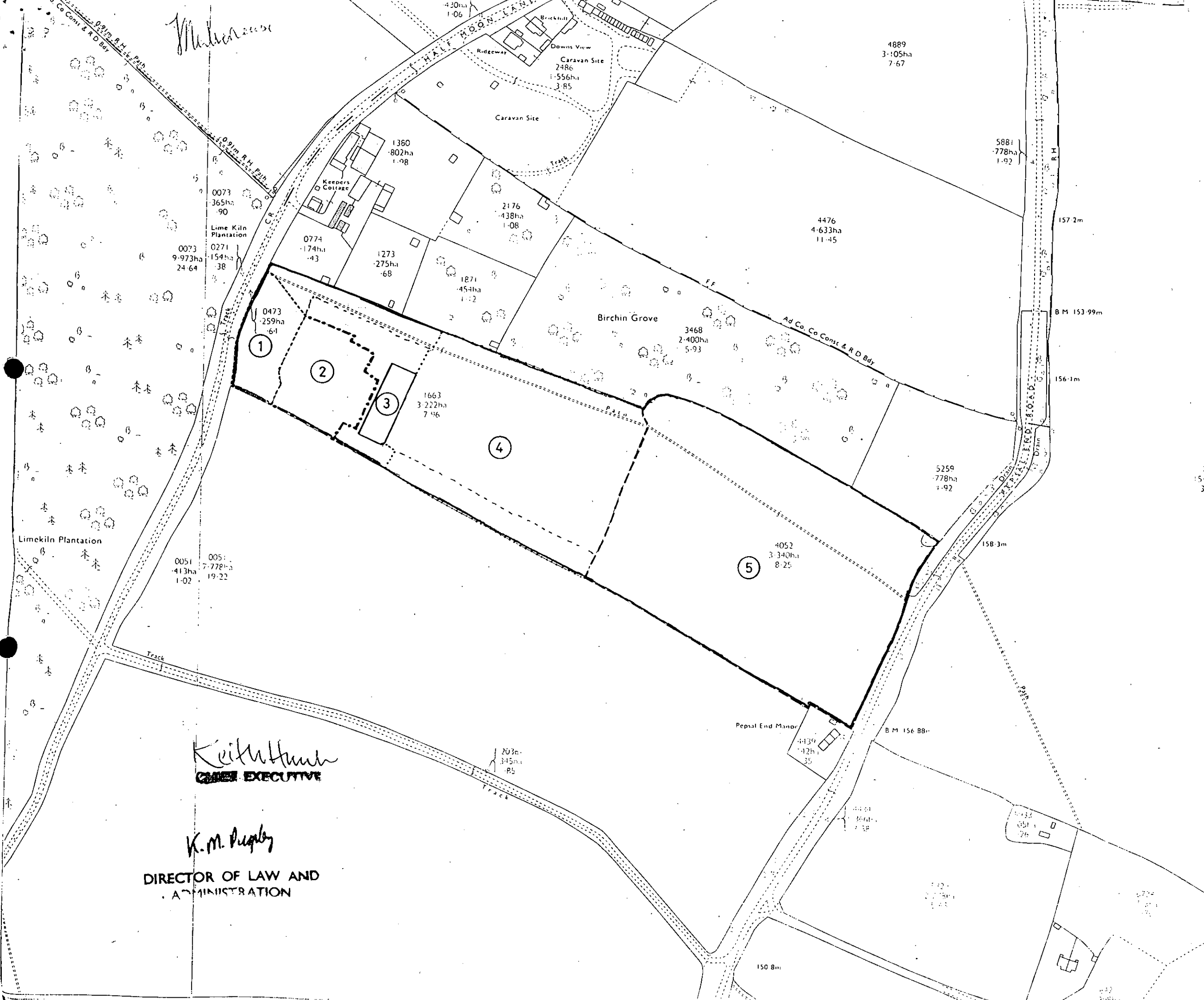
} - *[Handwritten Signature]*

Name: R C Shrimplin  
Address: 11 Cardiff Road, Wigan  
Occupation: Architect.

THE MANAGEMENT SCHEME  
REFERRED TO ABOVE

1. Meadows 4 and 5 on the plan annexed hereto shall be used as pasture for livestock grazing. Both meadows shall be fenced with sheep fencing for ease of management, thus enabling sheep grazing as an option on both.
2. The overall grazing pressure on the total area of grazing available shall be about 150 sheep weeks/ha/year or 38 cattle weeks/ha/year.
3. No supplementary stock feeding shall be allowed, provided always that protein block may be used.
4. There shall be no improvement of the grassland sward for grazing by the application of organic or inorganic fertilizers, or any re-seeding.
5. There shall be no sward improvement through the application of herbicide or pesticide or the use of a weed wiper or spot treatment for the control of weeds such as spear thistle, creeping thistle, curled dock, broad leaved dock, ragwort or nettle, without the prior written consent of the Council. Weeding by hand is acceptable.
6. Management of grazing shall be undertaken so as to avoid damage by over grazing or poaching.
7. If grazing is not undertaken in any one year, then the meadows shall be cut and baled. This shall be carried out as a hay crop during June/July or alternatively a cut should be taken during September/October and the cuttings removed.

8. There shall be no modification to existing drainage systems or installation of new drainage systems without the prior written consent of the Council.
9. The land shall not be disturbed by ploughing or other forms of cultivation.
10. There shall be no damage caused to other areas and features of conservation value such as hedgerows and trees.
11. The Council, or their ecological advisers may, with prior permission, obtain access to the site in order to undertake botanical monitoring to assess the effectiveness of the Management Scheme. Such monitoring will aim to identify positive or negative trends in the grassland with respect to nature conservation, and may result in modification to the Management Scheme after consultation and agreement with the owner.



*M. H. H. H.*

*Keith Hunt*  
**CHIEF EXECUTIVE**

*K.M. Pugh*  
**DIRECTOR OF LAW AND  
 ADMINISTRATION**

# TOWN & COUNTRY PLANNING ACT 1990

BIRCHIN GROVE FARM  
 HALF MOON LANE  
 NR. PEPPERSTOCK  
 FLAMSTEAD.

PLAN REFERRED TO IN THE  
 SECTION 106 AGREEMENT  
 DATED .....



C. G. B. BARNARD  
 DIRECTOR OF PLANNING  
 DACORUM BOROUGH COUNCIL  
 HEMEL HEMPSTEAD

DRAWN SCALE 1:2500  
 LK DATE APRIL 1990

PLAN No.

APPLICATION NO. 4/0860/90