



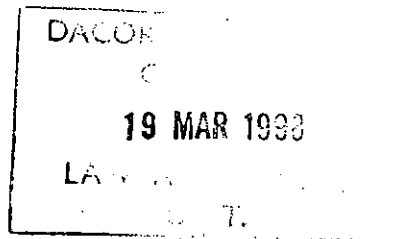
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Our Ref: E1/A1910/2/8/15

18 March 1998



Your Ref: AMW/32/97/16/29

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 1995 - ARTICLE 4 DIRECTION
LAND TO THE REAR OF 63 TO 74 BROOK STREET AND NORTH-WEST OF
BROOKFIELD CLOSE, TRING, HERTFORDSHIRE

1. I am directed by the Secretary of State for the Environment, Transport and the Regions to refer to your letter of 22 December 1998 enclosing a direction made under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 restricting development within Class B of Part 2 of Schedule 2 to the Order in respect of land to the rear of 63 to 74 Brook Street and north-west of Brookfield Close, Tring, Hertfordshire.

2. The Council's reasons for making the order have been carefully considered. The Secretary of State notes that the land was landscaped as a condition to a planning permission granted in 1972 for the erection of six houses in Brook Street. Planning permission was refused by the Council in 1978 for vehicular accesses to several properties in Brook Street. Such an access would now be permitted development under the 1995 Order where it is required in connection with development permitted by any Class in Schedule 2 (other than by Class A of Part 2). The owner of no. 65 Brook Street has constructed a vehicular access on

to Brookfield Close and the Council are concerned that other owners will do the same. The Council consider that the accesses would have a seriously detrimental impact on the street scene and general character of Brookfield Close. Retention of the landscaping scheme could not be achieved through the planning system and the Highways Act does not contain powers to prevent the accesses.

3. The Secretary of State has carefully considered the Council's reasons for making the direction against the policies set out in Appendix D to DOE Circular 9/95. As the Circular explains, his general policy is that permitted development rights in Schedule 2 of the 1995 Order should only be withdrawn in exceptional circumstances. Such action will only be justified if there is reliable evidence to suggest that permitted development is likely to take place which could damage an interest of acknowledged importance and which should therefore be brought within full planning control in the public interest.

4. The Secretary of State understands the Council's desire to safeguard the landscaped area and notes that other powers may not be available to the it to prevent other vehicular accesses being constructed. However, the Council have not demonstrated that the site is within a conservation area or any other area designated as deserving special protection. On the basis of the evidence presented by the Council, the Secretary of State is not convinced that exceptional circumstances exist to justify the removal of permitted development rights within Class B of Part 2 of Schedule 2 of the 1995 Order.

5. For the reasons given above, the Secretary of State hereby refuses to approve the direction. Accordingly, both sealed copies of the direction are returned herewith without endorsement.

Yours faithfully



ALAN MOORE
Head of Bedfordshire & Hertfordshire Planning and Highways Branch