

MEMORANDUM From:

To:

DIRECTOR OF PLANNING

DIRECTOR OF LAW AND ADMINISTRATION

My Ref. 0493/93
0494/93

Your Ref.

Date. 12th April 1994

Town and country Planning Acts 1971-1977

Planning Appeal by: DR. J. L. KANE AND MRS. V. A. KANE.

Appeal Site: LAND AT KEEPERS COTTAGE, THE GREEN, LITTLE GHOSSIDEN.

Department of the Environment Reference:

1. I have been notified by the Department of the Environment of an Appeal concerning the above site and attach herewith:
 - (a) copy of application forms and relevant letters;
 - (b) copy of decision notice;
 - (c) facsimile of decision plan;
 - (d) the Department's notice of appeal;
 - (e) documents from appellant.
2. Please advise my planning information section (extensions 2576, 2577 or 2380) of your file reference number as soon as possible.
3. I have requested the Department to deal with this Appeal by:
 - (a) written representations:
 - (b) public inquiry

4. The Department has confirmed that the above appeal is to be dealt with by;
 - (a) written representations:
 - (b) public inquiry
5. I attach herewith, in respect of the above appeal:
 - (a) my written observations which have been forwarded to the Department;
 - (b) my Rule 6(2)/7(1) statement, or equivalent, which has been forwarded to the Department;
 - (c) a copy of the plan referred to in my observations/statement;
 - (d) a list of adjoining residents, amenity societies, etc. that have been notified;
 - (e) a draft proof of evidence;
 - (f) further comments from the Appellant/Secretary of State;
 - (g) other documents.
6. The Department has confirmed that the inquiry date in respect of the above appeal is _____ at _____

7. I attach herewith in respect of the above appeal a copy of the Secretary of State's decision.

Sib
DIRECTOR OF PLANNING

1, ~~DAV~~ 2, ~~AM~~ 3, ~~SB~~

Note particularly the views expressed in § 7 - to be included as part of Enforcement Manual?



Department of the Environment

Room TX 103
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272 218573
Divisional Enquiries 0272 218639
Fax Number 0272
GTN Code 1374

The Director of Law & Administration
Dacorum Borough Council
Civic Centre
HEMEL HEMPSTEAD
Herts HP1 1HH

Your ref NP/DD/2447/418
Our ref APP/C/93/A1910/627880-1 (COSTS)
Date 8 April 1994

Dear Sir

LOCAL GOVERNMENT ACT 1972 - SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 - SECTIONS 174 AND 322A
PLANNING AND COMPENSATION ACT 1991
APPEALS BY DR J L KANE AND MRS V A KANE
LAND AT KEEPERS COTTAGE, THE GREEN, LITTLE GADDESSEN, HERTS
APPLICATION FOR COSTS

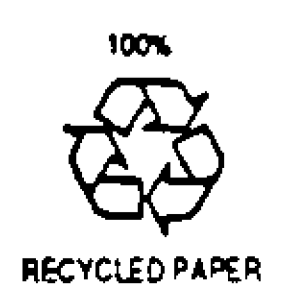
1. I am directed by the Secretary of State for the Environment to refer to the above mentioned appeals, and to the application for costs made on behalf of the appellants against your Council.
2. I enclose a copy of the Secretary of State's decision on the application. You will see that it has been decided that a full award of costs would be justified, and the appellant's agent has been invited to submit details of those costs to you. I also enclose a copy of the guidance note on Taxation procedure.

Yours faithfully

J D GARDNER
Planning Division 4

11 APR 1994

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL			
Ref.		Ack.	
Dep.		Adm.	
Received		11 APR 1994	
Comments			



**IMPORTANT - THIS COMMUNICATION AFFECTS
YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning
and Compensation Act 1991)**

**ENFORCEMENT NOTICE
(OPERATIONAL DEVELOPMENT)**

ISSUED BY: DACORUM BOROUGH COUNCIL

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

Land at Keepers Cottage, The Green, Little Gaddesden, Hertfordshire shown edged red on the attached plan.

3. **THE BREACHES OF PLANNING CONTROL ALLEGED**

(i) Without planning permission, the erection of a brick boundary wall approximately 1.4 m in height in the approximate position shown by a blue line on the attached plan,

(ii) Without planning permission, the erection of a wooden panelled fence approximately 1.8 m in height such fence being attached to the brick wall described in the (i) above,

the above measurements being taken at a point where the ground level of the land affected is at its lowest.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years.

Little Gaddesden lies within the Chilterns Area of Outstanding Natural Beauty, the preservation of which is a prime consideration of the development plan. The site is also within the Little Gaddesden Conservation Area where new developments will be expected to use materials and adopt designs which complement and are traditional to the area. There is also a statutory duty imposed by Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure new developments within a designated Conservation Area preserve or enhance the character or appearance of the area.

The erection of the wooden panelled fence visually harms the natural beauty and is generally harmful to the appearance of this designated Conservation Area. The row of conifers, which are not an indigenous species, further detract from the appearance of the area.

If a formal planning application had been submitted prior to the erection of the wall or for its retention, planning permission would only have been permitted subject to an appropriate hedge being planted in front of it. The retention of this wall can only be justified if a more suitable indigenous species of hedge is planted in front of it, to give a softer edge to the development and to blend with the existing frontage boundaries adjacent to Keepers Cottage.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the wooden panelled fence and all means of support except for the brick wall referred to in 3(i) above.

(ii) Remove all conifer plants and their roots, which are presently located between the wooden panelled fence referred to in 3(ii) above and a sheep wire fence, and remove all debris from these works from the site.

(iii) Carry out landscaping within the scope of the hedge planting specification set out below:

Hedge Planting Specification

1. Planting shall be carried out between 1 October to 31 March in the next following year.
2. Prior to planting the planting area will be stripped of existing vegetation and the soil shall be cultivated to a depth of 400 mm.
3. Bare root stock 450 - 600 mm high of the following species and ratio shall be used.

Hawthorn	-	Crataegus monogyna	25%
Blackthorn	-	Prunus spinosa	25%
Fieldmaple	-	Acer campestre	25%
Holly	-	Ilex aquifolium	25%

4. The species shall be group planted in a double staggered row with plants spaced 500 mm apart within the row, the rows being 500 mm apart. The number of plants within each group shall be between 10-15.

Time for compliance:-

Insofar as steps 5 (i) and (ii) above are concerned, the time period for compliance is 3 months after this notice takes effect.

Insofar as step 5 (iii) above is concerned, the time period for compliance is 12 months after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 1st April 1993 unless an appeal is made against it beforehand.

Dated: 12th February 1993

Signed: *K.M. Ruppy*
Director of Law and Administration

on behalf of: Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts HP1 1HH

ANNEX

YOUR RIGHT OF APPEAL

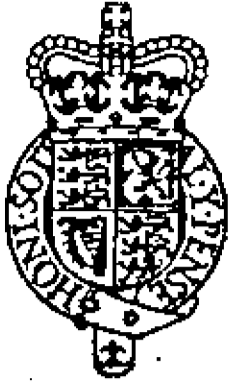
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 1st April 1993. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 1st April 1993 and you must then

ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council. On conviction, a fine of up to £20,000 may be imposed by the Magistrates' Court or an unlimited fine by the Crown Court.

1.93/DRFT.ENFORCE/NP/SR/BS.11



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1111(2)
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218448
Switchboard 0272-218811
Fax No 0272-218782
GTN 1374

Frere Cholmeley
4 John Carpenter Street
London
EC4Y 0NH

Your Ref:
SE/EAD
Our Ref:
APP/C/93/A1910/627880
APP/C/93/A1910/627881

Date: 16 August 1993

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) - SECTION 174
APPEAL BY Dr & Mrs Kane
LAND AT Keepers Cottage, The Green, Little Gaddesden

1. I refer to the above-mentioned appeal against an enforcement notice served by Dacorum Borough Council.
2. In exercise of the power in section 173A(1)(a) of the Act, the Council have withdrawn the enforcement notice and it is understood you have been notified accordingly. The Secretary of State will therefore take no further action on the appeal.
3. Any fee paid will be refunded as soon as possible.
4. A copy of this letter has been sent to the Council, who should refund any fee paid to them.
5. Please note that all correspondence and any queries should be addressed to the case officer.

Yours faithfully

MISS K E SMITH

E27

DEPARTMENT
OF THE ENVIRONMENT
AND THE WELSH OFFICE

1 AUG 1993

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Dated: 12th February 1993

Signed: *K.M. Kirby*
Director of Law and Administration

on behalf of: Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts HP1 1HH

ANNEX

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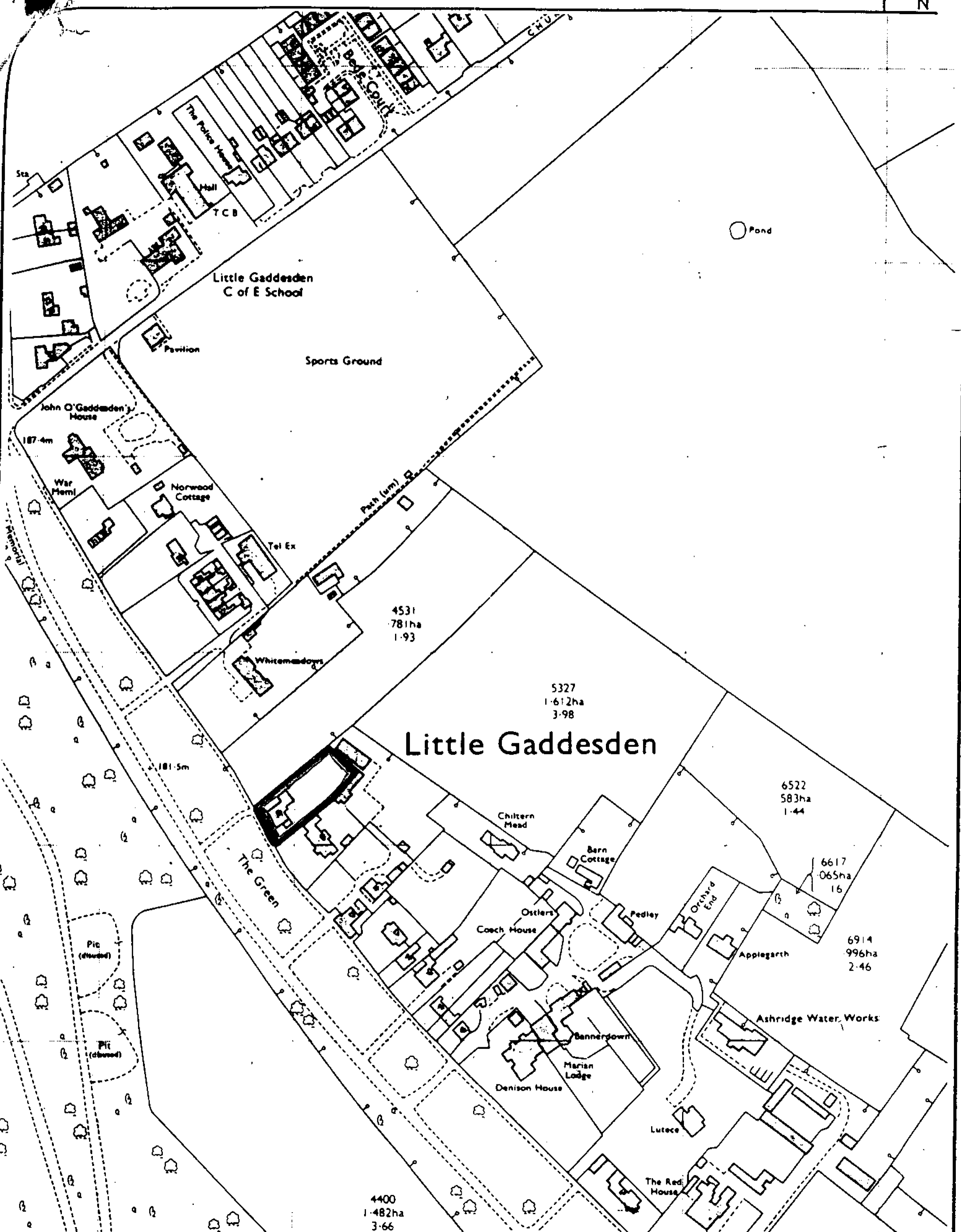
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1.93/DRFT.ENFORCE/NP/SR/BS.11



PLAN REFERRED TO IN ENFORCEMENT NOTICE DATED ... 12th February 1993

PLANNING FILE REF. : E/ 92 / 98
SCALE : 1 : 2500

DACORUM BOROUGH COUNCIL,
CIVIC CENTRE, MARLOWES,
HEMEL HEMPSTEAD.

Based on the O.S. Map with the sanction of the Controller of H.M. Stationary Office
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