

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the ~~Metropolitan~~ District of ~~Metropolitan~~ Rural District of Hemel Hempstead.

TOWN & COUNTRY PLANNING ACT, 1962

To Messrs. J.J. Curran Ltd., Sundon Road, Sundon Park, Luton, Beds.

Contractor's Yard at Delmer End Lane, Flamstead, Herts. (Part Parcel 258 on OS.HERTS.XXV11.5)

Brief description and location of proposed development.

In pursuance of their delegated powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council on behalf of the Local Planning Authority hereby refuse the development proposed by you in your application dated 12/2/64 and received with sufficient particulars on 18/2/64 and shewn on the plan(s) accompanying such application.

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

- 1. The site is within a proposed extension of the Metropolitan Green Belt where it is the policy of the Local Planning Authority not to allow development unless it is required for agricultural or allied purposes. No such need has been proved.
2. The proposal is considered to be unsatisfactory in that the site is served by rural roads of a character and construction quite inadequate for heavy industrial traffic.
3. The introduction of the applicant's business into west Hertfordshire would be contrary to the policy of the Local Planning Authority of preventing the introduction of new employment-producing development into the area in accordance with the principle of the Review of the County Development Plan for the restriction of the growth of population and industry within the Green Belt part of the County.

Dated 2nd day of June 1964

Clerk of the Council. [Signature]

NOTE.

(1) If the applicant wishes to have an explanation of the reasons for this refusal it will be given on request and a meeting arranged if necessary.

(2) 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 by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 23 of the Town and Country Planning Act, 1962. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such 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 provision of Section 17(1), 18(1) and 38 of the Act and of the Development Order and to any directions given under the Order.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Minister of Housing and Local Government, 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 Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 129 of the Town and Country Planning Act, 1962.

(4) In certain circumstances, a claim may be made against the local planning authority or the Minister of Housing and Local Government for compensation, where permission is refused, or granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 123 and Part VI of the Town and Country Planning Act, 1962.

AP



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: Locoplan, Parl, London

Telephone: VICTORIA 8540 , ext.

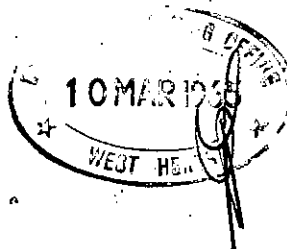
Please address any reply to

THE SECRETARY

and quote:

APP/2142/A/85923

Your reference:



17 FEB 1965

Gentlemen,

Town and Country Planning Act 1962: Section 23

Appeal by Messrs. J. J. Curran Limited

Application No. W/415/64

1. I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. A. Coates, A.A.I., who held a local inquiry into your clients' appeal against the refusal of Hemel Hempstead Rural District Council, acting on behalf of Hertfordshire County Council, to permit the establishment of a civil engineering contractor's yard on land at Delmerend Lane, Flamstead.
2. A copy of the Inspector's report is enclosed.
3. The Inspector is of the opinion that the development proposed would constitute an intrusion of open storage and general industrial use into a pleasant rural area included in a proposed extension of the Metropolitan Green Belt, and be quite inappropriate. Also the proposed use would generate traffic of a heavy nature for which the surrounding roads were not designed. The Inspector considers that the roads are so tortuous and narrow that even with the improvements suggested by the appellants on land outside their control, the risk of accidents and obstruction would not be removed. He recommends that the appeal be dismissed.
4. The Minister agrees with his Inspector's conclusions and accepts his recommendation. Accordingly he hereby dismisses the appeal.

I am, Gentlemen,
Your obedient Servant,

(Signed) D. G. POMEROY

(D. G. POMEROY)
Authorised by the Minister
to sign in that behalf.

Messrs. Tyrell, Lewis and Company
Solicitors
2, Adelaide Street
LONDON, W.C.2.