

RFO

D.C. 2

H.C.C. Code No. W/902/61

L.A. Ref. No. 78/61

ADMINISTRATIVE COUNTY OF HERTFORD.

The Council of the ~~BOROUGH OF~~
URBAN DISTRICT OF Tring
~~RURAL DISTRICT OF~~

TOWN & COUNTRY PLANNING ACT, 1947

To John Dolling Esq., Agent for
A.V. Dolling Esq.,
21, Germain Street,
Chesham, Bucks.

Erection of one detached dwelling
(Demolition of existing houses)
at 25/26, Frogmore Street, Tring

W. C. ...
25/26
Brief description and location of proposed development.

In Pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, and under the ~~COUNTY OF HERTFORD~~ COUNTY OF HERTFORD (Delegation of Planning Functions) Scheme, 1952 the Council on behalf of the Local Planning Authority hereby permit the development proposed by you in your application dated 4.5.61 and received with sufficient particulars on 6.5.61 and shewn on the plan(s) accompanying such application.

Dated 18th day of May, 19561

[Signature]
Clerk/Surveyor of the Council.



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: Locoplan, Parl, London

Telephone: VICTORIA 8540

, ext.

Plan No.

Please address any reply to

THE SECRETARY

and quote: LG2(b)1743/12005/5

Your reference: CD/ML

13. SEP. 1963

17 September 1963

Sir,

Public Health Act 1936 - Section 67

1. I am directed by the Minister of Housing and Local Government to refer to your letter of 31st July enclosing a joint application by Tring Urban District Council and Mr. V. G. Masters for the Minister's determination under the provisions of section 67 of the Public Health Act 1936 of an issue arising out of the erection of a house at 25/26 Frogmore Street, Tring.

2. The questions the Minister has power to determine under section 67 of the Public Health Act, 1936 are limited by the terms of that section. His jurisdiction under the section does not extend to the question whether work which has been executed complies with byelaws which is the question the Minister is asked to determine under heads (a) and (c) of the section. That is a matter for the courts. Under head (a) of that section the Minister's jurisdiction is limited to determining whether or not the Council's byelaws or a particular byelaw or part of a byelaw apply to particular work; there appears to be no dispute between the parties as to whether the council's building byelaws 13 and 21 apply to the work. As regards head (c), the Minister has power to determine only whether the work has been executed in accordance with the plans as passed by the authority. Under neither head can he determine whether the materials used as lintels in the construction of the building are of suitable nature and quality for the purpose for which they are used so as to comply with byelaws 13 and 21. Nor does it appear to the Minister that there is any question for him to determine under head (b) of the section whether the plans of the work are in conformity with the byelaws since they were in fact approved by the Council. If however there is any dispute between the parties under head (c) or they consider that a question arises under head (b) it is open to them to resubmit the application with the original plan as deposited, (the copy submitted is not clear enough for this purpose) and any other section, specifications and written particulars deposited with the plans in accordance with the byelaws.

3. The Minister regrets that he did not explain the position with respect to applications more clearly at an earlier date, but it will be appreciated that he cannot really consider such applications until he is in possession of all the facts.

--- 4. A copy of this letter is enclosed, which you are asked to forward to Mr. Masters.

I am, Sir,

Your obedient Servant,

(R. N. WINTER)

The Clerk of Tring Urban District Council,
Council Offices
Tring
Herts.