

385/71D

D.C.3.

H.C.C. Code No. 7/6000/66

L.A. Ref. No. 8530/2

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the BOROUGH OF

HEMEL HEMPSTEAD

HEMEL HEMPSTEAD DISTRICT

HEMEL HEMPSTEAD DISTRICT

TOWN & COUNTRY PLANNING ACT, 1962

To

Bricbet Wood Property Co. Ltd.,
74a St. Albans Road,
Watford.

Whose agents are -
Messrs. Allwright & Stiles,
11 Marlboro,
Hemel Hempstead

Erection of eight (8) semi-detached houses with
garages and construction of new estate road
off Millington Road,
HEMEL HEMPSTEAD

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 permit the development proposed by you in
your application dated 28th February 1966

and received with sufficient particulars on 1st March 1966

and shewn on the plan(s) accompanying such application, subject to the following
conditions:—

1. Proposals for landscaping the site shall be submitted to the local planning authority for their approval within six months of the start of the development hereby permitted and the scheme as approved shall be completed within twelve months of such approval and thereafter maintained to the reasonable satisfaction of the local planning authority.
2. Screen fencing shall be provided to the extent shown on plan 8530/2 before the houses are occupied and shall be maintained at all times thereafter to the reasonable satisfaction of the local planning authority.
3. The proposed road shall be constructed up to the eastern boundary of the site to the satisfaction of the highway authority.

PLEASE SEE NOTES OVERLEAF Turn Over

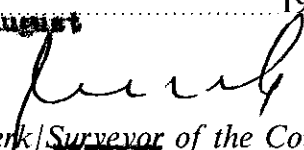
The permission referred to in this notice does not constitute:

- (i) A passing of plans or a consent for the purposes of the Public Health Acts 1936 and 1937 and the Building Regulations 1965.
- (ii) A consent under the Public Health (Drainage of Trade Premises) Act 1937.
- (iii) An approval under the Clean Air Act 1956; and the Thermal Insulation Act 1957.
- (iv) A consent under Section 75 of the Highways Act 1959.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

1. To protect and enhance the visual amenities of the locality.
2. To ensure that the privacy enjoyed by the occupiers of the adjoining residential property is adequately maintained.
3. To meet the requirements of the local highway authority.

Dated eight day of August 1966


Clerk/Surveyor of the Council.

Town

NOTE.

(1) If the applicant wishes to have an explanation of the reasons for this decision 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 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 provisions 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 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.

STREET LIGHTS



2530, West

MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: Locoplan, Parl, London

Telephone: VICTORIA 8540

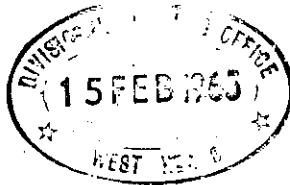
, ext.

Please address any reply to

THE SECRETARY

and quote: APP/1199/A/84960

Your reference: JSGA/AG



3 FEB 1965

Gentlemen,

Town and Country Planning Act 1962 - Section 23

Appeal by Messrs. Watson Builders

(Hemel Hempstead) Limited

Application No. W/1026/64

I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. P. C. Williams, M.A., F.R.I.C.S., F.L.A.S. who held a local inquiry into your clients' appeal against the refusal of Hemel Hempstead Borough Council, acting on behalf of Hertfordshire County Council, to permit the erection of a detached dwellinghouse on land adjoining "Iolanthe", Ellingham Road, Hemel Hempstead.

2. A copy of the Inspector's report is enclosed.

3. The Inspector finds that an area of $1\frac{1}{2}$ acres to the north could be developed with about eight houses on the basis of the council's suggested plan if the appeal site could be used for a road to provide access. The only alternative access would be across land owned by several persons, one of whom does not wish to sell, and this access would be longer than one on the present site. The Inspector concludes that the construction of a house on the appeal site would cause an unreasonable amount of delay and difficulty in the development of adjoining land. In addition, the site is a better position for an access road than the alternative site which might ultimately be available. The Inspector 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. Allwright and Stiles
183, The Parade
WATFORD
Herts.

TOWN AND COUNTRY PLANNING ACT 1962

Town and Country Planning General Development Order 1963

Appeal to the Minister of Housing and Local Government

THE APPEAL IS MADE BY HEBEL BETHSLEAD (HOLDINGS) LTD.
HEBEL BETHSLEAD, 11, ...
(Tel. No. ...)

... under the Town and Country Planning General Development Order 1963 made under the Town and Country Planning Act 1962 in respect of the development as described below:

~~... the development as described below:~~
~~... authority to give notice of their decision in respect of the development~~
~~... the relevant application to the Minister of Housing and Local~~
~~... period provided in Article 17 of the Order of 1963.~~

... Section 23 of the Act of 1962 and in accordance with the Order ...
... planning authority for planning permission in respect

... and particular, submitted to the authority ...
... if such notice has been given ...
... with the authority ...
... by Section 23(a)

... further communications should ...
...
... 1963.

PARTICULARS OF THE APPEAL

Name of appellant HEBEL BETHSLEAD, BOROUGH OF ...
Description and location of the land (giving name of parish or locality) to which the appeal relates
... ROAD, ...
National Grid Reference
Description of the development ERUPTION OF A DETACHMENT

... (1) That the land is not essential for the development of the ... other site better suited & undeveloped is available. (2) No detailed Plan exists for the development of the rear land, which is in a difficult ... ownerships and many of the owners are opposed to ... and in consequence of their ownership ... (3) In view of the indefinite ... sterilised the refusal is ... occur in the area

* Date of authority's decision 26th MAY, 1964.

If the appeal arises from the failure of the local planning authority to give notice of reference to the application to the Minister of Housing and Local Government, then show the

* Date of application to the authority

If the appeal is not made within one month from the receipt of notice of the authority's decision or from the expiration of the statutory period (2) allowed for the authority's decision, state the reasons for the delay in lodging the appeal and the grounds upon which it is considered that the Minister may grant an extension of time

THIS FORM TO BE FILLED THROUGH THE OFFICE OF THE LOCAL PLANNING AUTHORITY IN 1962, AND MUST BE SENT TO THE MINISTER WITHIN TWO MONTHS OF THE DECISION DATED.

NOTES

(i) The appellant has a right under section 23 (5) of the Town and Country Planning Act 1962 to demand the opportunity of appearing before and being heard by a person appointed by the Minister for the purpose. It is the Minister's usual practice to send an Inspector to hold a local inquiry and report to him on the matter at issue.

In some cases the Minister may consider it possible, with the agreement of the parties, to dispense with an inquiry and decide the appeal on the basis of written statements submitted by the parties. In that case it may be necessary for one of his officers to inspect the site. The Minister will suggest this course to the parties in any case where it appears to him to be suitable.

(ii) Inspectors sent to hold inquiries are qualified persons, and it is their duty to ascertain, from representations put forward by the parties and by personal inspection, all the relevant facts in order to ensure a fair and impartial decision. All representations are carefully considered and receive full attention wherever is the subject of the appeal. The Minister considers, therefore, that there is generally no necessity for either party to incur any heavy costs in presenting their case at inquiries.

(iii) The period allowed to the local planning authority for giving notice of their decision on the reference of the application to the Minister is three months in cases affecting trunk roads and two months in all other cases, but this period may be extended by agreement in writing between the applicant and the local planning authority.

(iv) The Minister has power under section 23 (4) of the Act of 1962 to "exercise his powers as if part of the functions of the local planning authority, whether the appeal relates to that part of the Act or not, and may deal with the application as if it had been made to him in the first instance"

SECTIONS 16 and 23(6) OF THE TOWN AND COUNTRY PLANNING ACT 1962

If you are the freeholder or a tenant of all the land to which the appeal relates and if no part of the land is an agricultural holding (as defined below) or part of one, then you should complete the certificate printed below. You should complete the certificate on only one copy of this form.

In any other case you should read the enclosed "Notes for Appellants" and complete the appropriate certificate. Do not amend any certificate to suit the circumstances of your case.

Any person who knowingly or recklessly issues a certificate which contains any statement which is false or misleading in a material particular is liable on conviction to a fine not exceeding £50

"Agricultural holding" has the same meaning as in the Agricultural Holdings Act 1948, viz., "the aggregate of the agricultural land comprised in a contract of tenancy, not being a contract under which the said land is let to the tenant during his continuance in any office, appointment or employment held under the landlord." If you, or someone else, own all the land and occupy it for agricultural purposes, it is not an agricultural holding because no tenancy is involved.

Certificate A

TOWN AND COUNTRY PLANNING ACT 1962

(Certificate under Sections 16 and 23)

I hereby certify that

1. ~~The~~ ^{The} appellant is ~~the~~ ^{an} estate owner in respect of the fee simple ~~of every part of the land to which the~~ ^{entitled to a tenancy} ~~of every part of the land to which the~~ ^{of every part of the land to which the}

accompanying appeal dated 1st JULY, 1964.

relates to

2. None of the land to which the appeal relates or any part of an agricultural holding.

Signed

1st JULY 1964.

W. J. JATSON WILLIAMS (MILLS 123456789)

Continuation of Precise grounds of Appeal

1998/.....

and make what at present is a vague scheme either unacceptable or cause it to take quite a different form.