

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the ~~Borough~~ of
~~Urban District~~ of
Rural District of BERKHAMSTED.



TOWN & COUNTRY PLANNING ACT, 1962

To **Mr. C. Selly,**
Park Farm,
Wigginton,
Tring. per **Messrs. Brown & Merry,**
"Beech Grove",
35 Hockliffe Street,
Leighton Buzzard, Beds.

Erection of
Two detached houses with garages
at **D.S. Parcel No. 200a Station Road, Tring.**

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 **25th November, 1965** and received with sufficient particulars on **30th November, 1965** and shewn on the plan(s) accompanying such application.

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

The site is within an Area of Great Landscape Value and also within a proposed extension to 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.

Dated **3rd** day of **February** 19**66**

[Signature]
Clerk/Surveyor of the Council.

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.

Z 0729 150/65

This form should not be used for an appeal under section 46 of the Act against an enforcement notice.

THIS FORM IS TO BE SUBMITTED IN DUPLICATE

TOWN AND COUNTRY PLANNING ACT 1962

Town and Country Planning General Development Order 1963



Appeal to the Minister of Housing and Local Government

I, (full name in block letters) (MR.) CLIFFORD SELLY
of (full address) PARK FARM, WIGGINTON, TRING, HERTS.
(Tel. No. _____)

AM AGGRIEVED BY

*the decision of the local planning authority under the Town and Country Planning General Development Order 1963 and Section 17 of the Town and Country Planning Act 1962

*refusing permission for development as described below.

*granting permission subject to conditions for development as described below.

*the failure of the local planning authority to give notice of their decision in respect of the development described below, or of the reference of the relevant application to the Minister of Housing and Local Government, within the appropriate period specified in Article 5 (9) of the Order of 1963††.

*Strike out inappropriate words

††See note (iii) overleaf

I HEREBY APPEAL to the Minister under Section 23 of the Act of 1962 and in accordance with the Order of 1963.

****I ENCLOSE**

- (a) a copy of the application made to the local planning authority for planning permission in respect of the development.
- (b) a copy of all relevant plans, drawings and particulars submitted to the authority.
- (c) a copy of the notice of the authority's decision, if such notice has been given.
- (d) a copy of all other relevant correspondence with the authority.
- (e) the appropriate certificate under Section 16 of the Act, as applied by Section 23 (6).

One copy of each of these documents is essential to the appeal

Date 14th March 1966 Signed [Signature]

Name and address of agent or professional representative, if any, to whom further communications should be sent (see notes (i) and (ii) overleaf) BROWN & MERRY, Surveyors, etc.

"Beech Grove", 35 Hockliffe Street, Leighton Buzzard, Beds.

PARTICULARS OF THE APPEAL

Name of local planning authority Berkhamsted R.D.C.

Description and situation of the land (giving name of parish or locality) to which the appeal relates G.S. Parcel No. 200a, Station Road, Tring, Herts.

National Grid Ref. (if known) _____

Description of the development The erection of two detached houses and garages

Precise grounds of appeal (continue on separate sheet if necessary) The reason for refusal completely disregards the site conditions and situation and is totally unreasonable and unrealistic.

IMPORTANT

0/2456/65

*Date of authority's decision 3rd February 1966

*Strike out inappropriate words

If the appeal arises from the failure of the local planning authority to give notice of decision, or of reference of the application to the Minister of Housing and Local Government, state below the

*Date of application to the authority

††See note (iii) below

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

Appeal lodged within one month

NOTES

(i) The appellant has a right under section 23 (5) of the Town and Country Planning Act 1962 to demand an 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 whoever is the spokesman. 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 to the applicant of their decision or of 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 "reverse or vary any part of the decision of the local planning authority, whether the appeal relates to that part thereof 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

We A hereby certify that:

1. ~~XXXX~~ the estate owner in respect of the fee simple XXXX of every part of the land to which the

* The appellant is * ~~XXXX~~ XXXX

accompanying appeal dated 14th March 1966 relates:

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

Signed C. Selly Esq. Date 14.3.66

*On behalf of C. Selly Esq.

*Delete where inappropriate.