



From the Deputy Regional
Controller (Planning)

S.P.O.
FORWARD PLANS
DEV. CONTROL
- 6 OCT 1992
BUILDING CONTROL
PROJECTS
ADMINISTRATION

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BT/JC/C1-6

E1/N1920/2/8/01

5 October 1992

Sir

**TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988
ARTICLE 4 DIRECTION : "THE CLUBHOUSE", 108 LONDON ROAD, SHENLEY,
HERTFORDSHIRE**

1. I am directed by the Secretary of State for the Environment to refer to your letter of 4 June 1992, enclosing a Direction which restricts development falling within Classes A, E, F and H of Part 1 in Schedule 2 of the above Order and Classes A and C of Part 2 in Schedule 2 of the above Order in respect of land and property at "The Clubhouse", 108 London Road, Shenley, Hertfordshire. The Direction was made by the Council to come into immediate effect, and therefore the provisions of paragraph 4 and 5 of Article 5 apply.

2. The Council's reasons for making the Direction have been carefully considered, together with the written comments of English Heritage and the Hertfordshire Building Trust Ltd enclosed with the Council's letter of 4 June, and an officer of the Department has visited the site.

3. It is the Secretary of State's policy to approve the withdrawal of permitted development rights, granted to land and property owners by Parliament under Article 3 of the General Development Order, only in exceptional circumstances. On the basis of the information before him, the Secretary of State is satisfied that, insofar as the Direction relates to development comprising Class A of Part 1 to Schedule 2 of the General Development Order, there is evidence of threat of works to the building within this Class which would be damaging to the amenity of the building and to the Conservation Area within which it lies unless brought under specific development control. He is, however, mindful of the advice offered by English Heritage in their letter of 11 May to the Council, which whilst accepting the controls proposed to development falling within Class A of Part 1 to the General Development Order expressed doubts over the justification for controls to development falling within Classes E, F and H of Part 1 and Classes A and C of Part 2 of the Order. The Secretary of State takes the view that there is no evidence of specific threat of inappropriate development falling within

Class E of Part 1 and as such he would not be justified in supporting the withdrawal of these permitted development rights. As to development falling within Classes F and H of Part 1 and Classes A and C of Part 2 of the Order, he considers that these issues cannot be addressed in isolation and, if such controls are justified, they should be addressed as part of a wider scheme.

4. The Secretary of State therefore concludes that he would be justified in approving the Direction only insofar as it relates to Class A of Part 1 to Schedule 2 of the General Development Order, such that planning permission be sought for development falling within this specific Class. He considers that he would not be justified in approving the withdrawal of permitted development rights falling within Classes E, F and H of Part 1 and A and C of Part 2 to Schedule 2 of the General Development Order for the reasons given in paragraph 3. He has accordingly deleted these Classes from the Direction.

5. For the reasons given above, the Secretary of State, in exercise of his powers under Article 5(5) of the General Development Order, has decided to approve the Direction, subject to the deletions indicated above and to the modifications shown in red ink thereon, and I return herewith one copy endorsed accordingly.

6. The Council's attention is drawn to the provisions of Article 5(11), 5(12), 5(13) and 5(15) of the General Development Order 1988, which relate to the service of notice of the approval of the Direction.

I am Sir
Your obedient Servant

Peter Fiddeman

P J FIDDEMAN
Authorised by the Secretary of State
to sign in that behalf.

ARTICLE FOUR DIRECTION
HERTSMERE BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
GENERAL DEVELOPMENT ORDER 1988

Direction under article 4 of the General Development Order 1988 Restricting Permitted Development

RECITALS

1. Hertsmere Borough Council ('the Authority') is the local planning authority in respect of the area of land specified in this Direction.
2. The Authority is satisfied that it is expedient that the development described in Schedule 2 to the General Development Order 1988 ('the Order') and specified in this Direction should not be carried out unless permission is granted for it on an application.

NOW THEREFORE the Authority in pursuance of article 4 of the Order and all other powers thereby enabling

DIRECTS THAT

1. The permission granted by article 3 of the Order shall not apply to development specified in the First Schedule to this Direction in the area specified in the Second Schedule to this Direction ('the Land').
2. Pursuant to article 5(4) of the Order, this Direction does not require the approval of the Secretary of State because it relates only to development permitted by Parts 1 to 4 of Schedule 2 to the Order and the authority consider that the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. The Direction shall expire at the end of six months from the date upon which it is made unless disallowed or approved by the Secretary of State. The Direction shall, in accordance with article 5(10) of the Order, come into force in respect of any part of the Land on the date on which notice of the making of the Direction is served on the occupier of that part of the Land or if there is no occupier, the owner.

FIRST SCHEDULE

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|----|--------|----------|--|
| a) | PART 1 | Class A: | the enlargement, improvement or other alteration of a dwellinghouse. |
| b) | | Class E: | the provision within the curtilage of a dwellinghouse of any enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure. |
| c) | | Class F: | the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such. |
| d) | | Class H: | the installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse. |

- e) PART 2 Class A: the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- f) Class C: the painting of the exterior of any building or work.

SECOND SCHEDULE

All of the land and buildings known as 'The Clubhouse' situated at 108 London Road, Shenley, in the County of Hertfordshire outlined in black on the map annexed hereto.

GIVEN UNDER THE COMMON SEAL
of Hertsmere Borough Council

Mr. [Signature]

this.....2.....day of June 1992

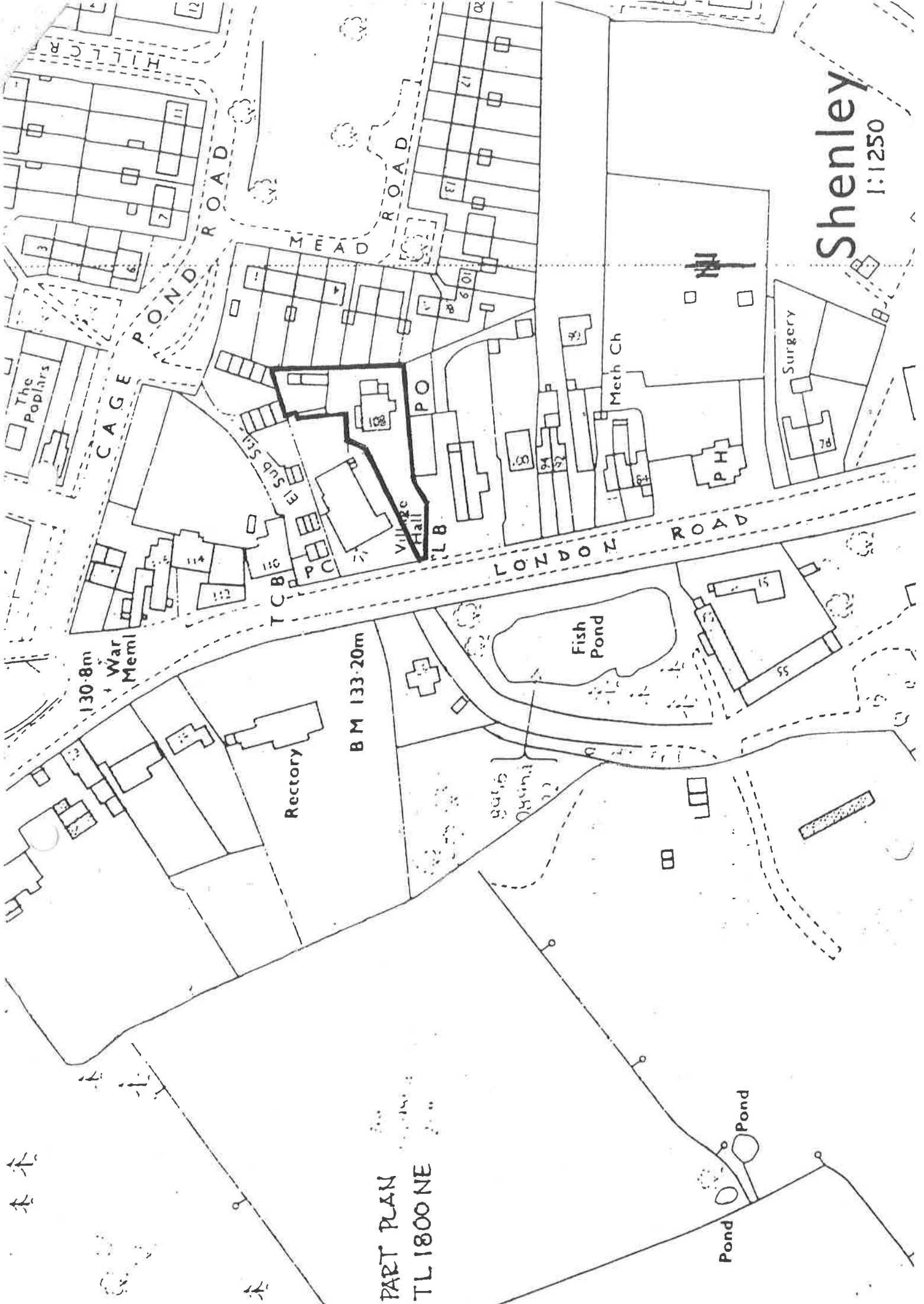


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