

MEMORANDUM

AR40

To: Head of Legal and Democratic Services

From: Head of Planning and Building Control

Our Ref: TP/2/1/01(06)

Your Ref: FAO Land Charges

Date: 19 July 2006

(land west of 64 Manor Rd)

Subject: Land North of Lower Luton Road Wheathampstead

On 24 February 2006, I sent you a memo, concerning the above the land and the Article 4 Direction issued by this council, dated 17 February 2006.

The order was referred to GO-East for confirmation, I have now received a letter from Go-East, dated 12 July 2006, confirming that the Article 4 Direction has been approved by the Secretary of State.

I attach 2 copies of the approved direction for your records.



N Smith
Senior Planning Enforcement Officer



GOVERNMENT OFFICE
FOR THE EAST OF ENGLAND

Head of Planning & Building Control
Enterprise & Civic Environment
St Albans City and District Council
District Council Offices
St Peter's Street
St Albans
Herts AL1 3JE

For the attention of Mr N Smith

12 July 2006

Lindsay Speed
Development & Infrastructure
Eastbrook
Shaftesbury Road
Cambridge
CB2 2DF

Tel: 01223 372725

GTN: 3841 2725

Fax: 01223 372862

Internet email:

lspeed.go-east@go-regions.gsi.gov.uk

Website: <http://www.go-east.gov.uk>

Our Ref: E1/B1930/2/8/102

Your Ref: TP/2/1/01(06)NS/tos

Dear Sir

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 1995 – ARTICLE 4(1) DIRECTION TO WHICH ARTICLE 5(4) APPLIES
LAND NORTH OF LOWER LUTON ROAD, WHEATHAMPSTEAD, HERTS**

I am directed by the Secretary of State to refer to your letter of 20 June 2006 with which you enclosed a Direction made under Article 4(1), to which Article 5(4) applies, of the Town and Country Planning (General Permitted Development) Order 1995 restricting development within Class A of Part 2 in Schedule 2, of the Order, permitted under Article 3, in respect of land north of Lower Luton Road, Wheathampstead, Herts.

The Secretary of State has carefully considered the Council's reasons for making the Direction against the policies set out in Appendix D to DOE Circular 9/95. She notes that the site is designated for agricultural use, and is located within the Metropolitan Green Belt, and in a Landscape Conservation Area.

The Council has submitted evidence that the land is being marketed as investment land. A plan accompanying the sale details indicates that the land is to be divided into various plots. The Council is concerned that the plots will be fenced off, or developed in such a way that would have an adverse impact on the rural openness, character and appearance of the area.

It is the policy of the Secretary of State to approve the withdrawal of permitted development rights that have been granted by Parliament only in exceptional circumstances but, on the basis of the evidence before her, she is satisfied that in this case such action is justified. She agrees with the Council that the uncontrolled erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure could cause serious harm to the openness, character

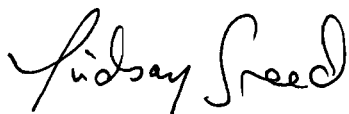


and appearance of the surrounding countryside. She is satisfied that clear evidence of a real and specific threat has been provided which would damage an interest of acknowledged importance, and which should therefore be brought within planning control in the public interest.

For the reasons given above, the Secretary of State, in exercise of her power under Article 5(1) of the Town and Country Planning (General Permitted Development) Order 1995, hereby approves the Article 4 Direction. One copy of the direction endorsed with her approval is returned herewith.

The Council's attention is drawn to the provisions of articles 5(10) to 5(15) of the 1995 Order relating to the service or publication of notice of the Direction.

Yours faithfully

A handwritten signature in cursive script, reading 'Lindsay Speed'.

LINDSAY SPEED
Head of Planning Casework

Enc

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER
1995

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 5(4) APPLIES

WHEREAS The Council of St Albans City and District being the appropriate local planning authority within the meaning of Article 4(6) of the Town and Country Planning (General Permitted Development) Order 1995, are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on land to the north of Lower Luton Road, Wheathampsted, as shown hatched blue on the attached plan, unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990.

AND WHEREAS the Council consider that development of the said description would be prejudicial to the proper planning of their area and would constitute a threat to the amenities of their area and that the provisions of paragraph 4 of the Article 5 of the Town and Country Planning (General Permitted Development) Order 1995 apply,

NOW THEREFORE the said Council in pursuance of the power conferred on them by Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below.

THIS DIRECTION is made under Article 4(1) of the said Order and, in accordance with Article 5(4), shall remain in force until 17 August 2006 and shall then expire unless it has been approved by the First Secretary of State.

SCHEDULE

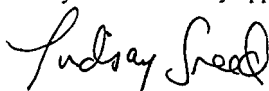
Development of the following parts and classes as described in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

Part 2: Minor Operations

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure

The Secretary of State hereby approves the foregoing direction.

GIVEN UNDER THE COMMON SEAL
OF THE CITY AND DISTRICT
COUNCIL OF ST ALBANS ON
17 February 2006

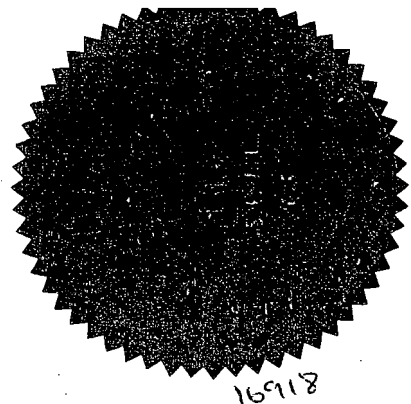

Signed by authority
of the Secretary of State

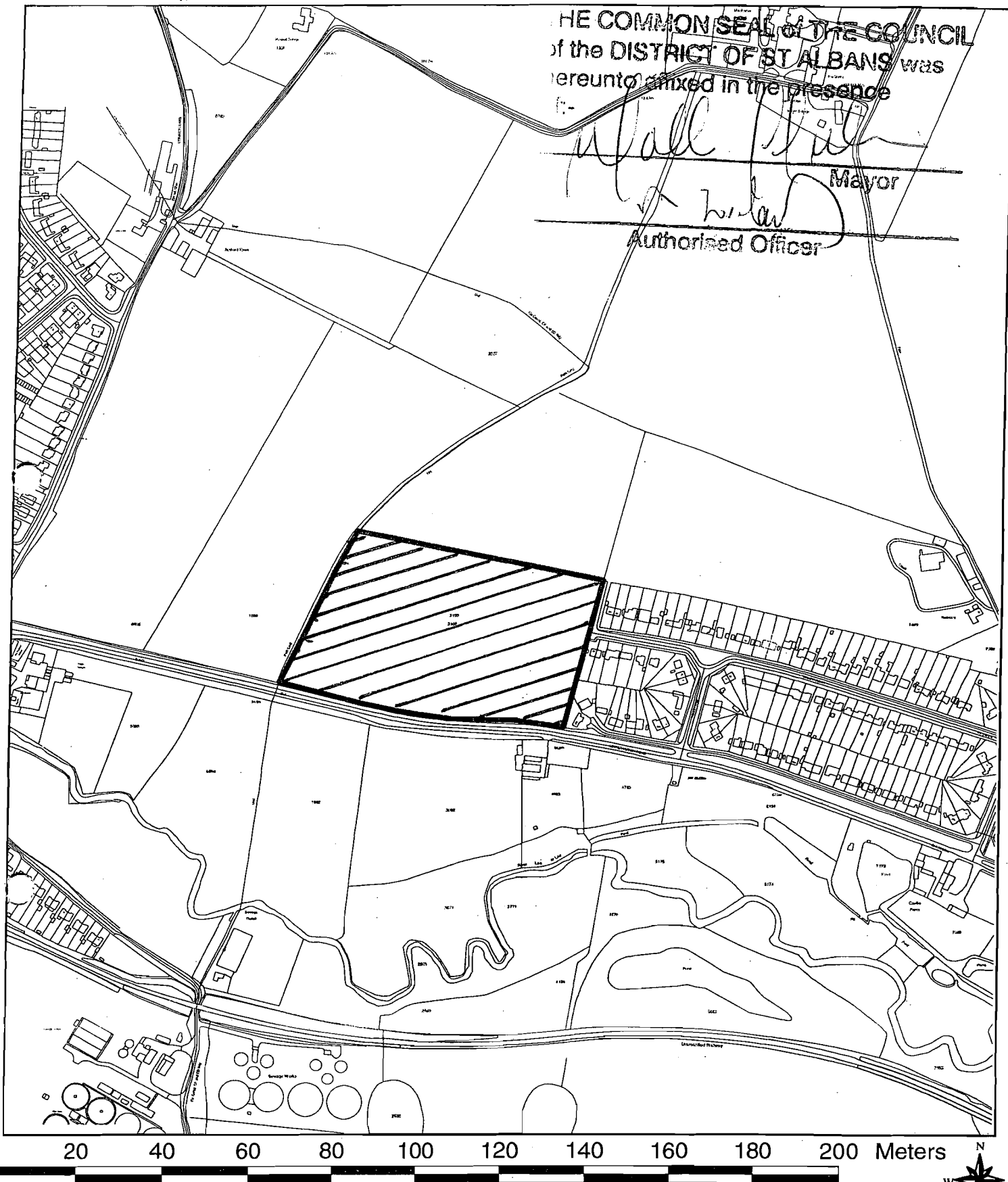
L SPEED
A Principal in the
Government Office
for the East of England

**THE COMMON SEAL OF THE COUNCIL
WAS HERETO AFFIXED IN THE
PRESENCE OF:-**


MAYOR


AUTHORISED OFFICER





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Land North of Lower Luton Road, Wheathampstead

SCALE: 1:5000

DRAWN BY:

Notes:

REF:



St Albans
CITY AND DISTRICT



GOVERNMENT OFFICE
FOR THE EAST OF ENGLAND

Head of Planning & Building Control
Enterprise & Civic Environment
St Albans City and District Council
District Council Offices
St Peter's Street
St Albans
Herts AL1 3JE

Lindsay Speed
Development & Infrastructure
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Website: <http://www.go-east.gov.uk>

Our Ref: E1/B1930/2/8/102
Your Ref: TP/2/1/01(06)NS/tos

For the attention of Mr N Smith

12 July 2006

Dear Sir

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 1995 – ARTICLE 4(1) DIRECTION TO WHICH ARTICLE 5(4) APPLIES
LAND NORTH OF LOWER LUTON ROAD, WHEATHAMPSTEAD, HERTS**

I am directed by the Secretary of State to refer to your letter of 20 June 2006 with which you enclosed a Direction made under Article 4(1), to which Article 5(4) applies, of the Town and Country Planning (General Permitted Development) Order 1995 restricting development within Class A of Part 2 in Schedule 2, of the Order, permitted under Article 3, in respect of land north of Lower Luton Road, Wheathampstead, Herts.

The Secretary of State has carefully considered the Council's reasons for making the Direction against the policies set out in Appendix D to DOE Circular 9/95. She notes that the site is designated for agricultural use, and is located within the Metropolitan Green Belt, and in a Landscape Conservation Area.

The Council has submitted evidence that the land is being marketed as investment land. A plan accompanying the sale details indicates that the land is to be divided into various plots. The Council is concerned that the plots will be fenced off, or developed in such a way that would have an adverse impact on the rural openness, character and appearance of the area.

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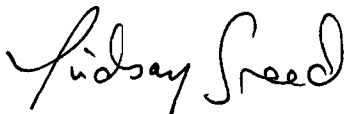


and appearance of the surrounding countryside. She is satisfied that clear evidence of a real and specific threat has been provided which would damage an interest of acknowledged importance, and which should therefore be brought within planning control in the public interest.

For the reasons given above, the Secretary of State, in exercise of her power under Article 5(1) of the Town and Country Planning (General Permitted Development) Order 1995, hereby approves the Article 4 Direction. One copy of the direction endorsed with her approval is returned herewith.

The Council's attention is drawn to the provisions of articles 5(10) to 5(15) of the 1995 Order relating to the service or publication of notice of the Direction.

Yours faithfully

A handwritten signature in cursive script, reading 'Lindsay Speed'.

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Head of Planning Casework

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1995

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AND WHEREAS the Council consider that development of the said description would be prejudicial to the proper planning of their area and would constitute a threat to the amenities of their area and that the provisions of paragraph 4 of the Article 5 of the Town and Country Planning (General Permitted Development) Order 1995 apply,

NOW THEREFORE the said Council in pursuance of the power conferred on them by Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below.

THIS DIRECTION is made under Article 4(1) of the said Order and, in accordance with Article 5(4), shall remain in force until 17 August 2006 and shall then expire unless it has been approved by the First Secretary of State.

SCHEDULE

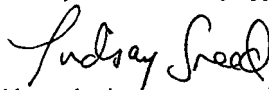
Development of the following parts and classes as described in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

Part 2: Minor Operations

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure

The Secretary of State hereby approves the foregoing direction.

GIVEN UNDER THE COMMON SEAL
OF THE CITY AND DISTRICT
COUNCIL OF ST ALBANS ON
17 February 2006


Signed by authority
of the Secretary of State

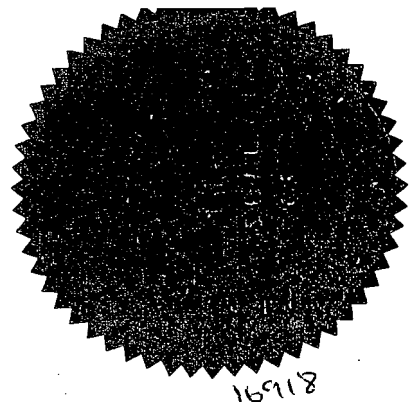
L SPEED
A Principal in the
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for the East of England

THE COMMON SEAL OF THE COUNCIL
WAS HERETO AFFIXED IN THE
PRESENCE OF:-

MAYOR



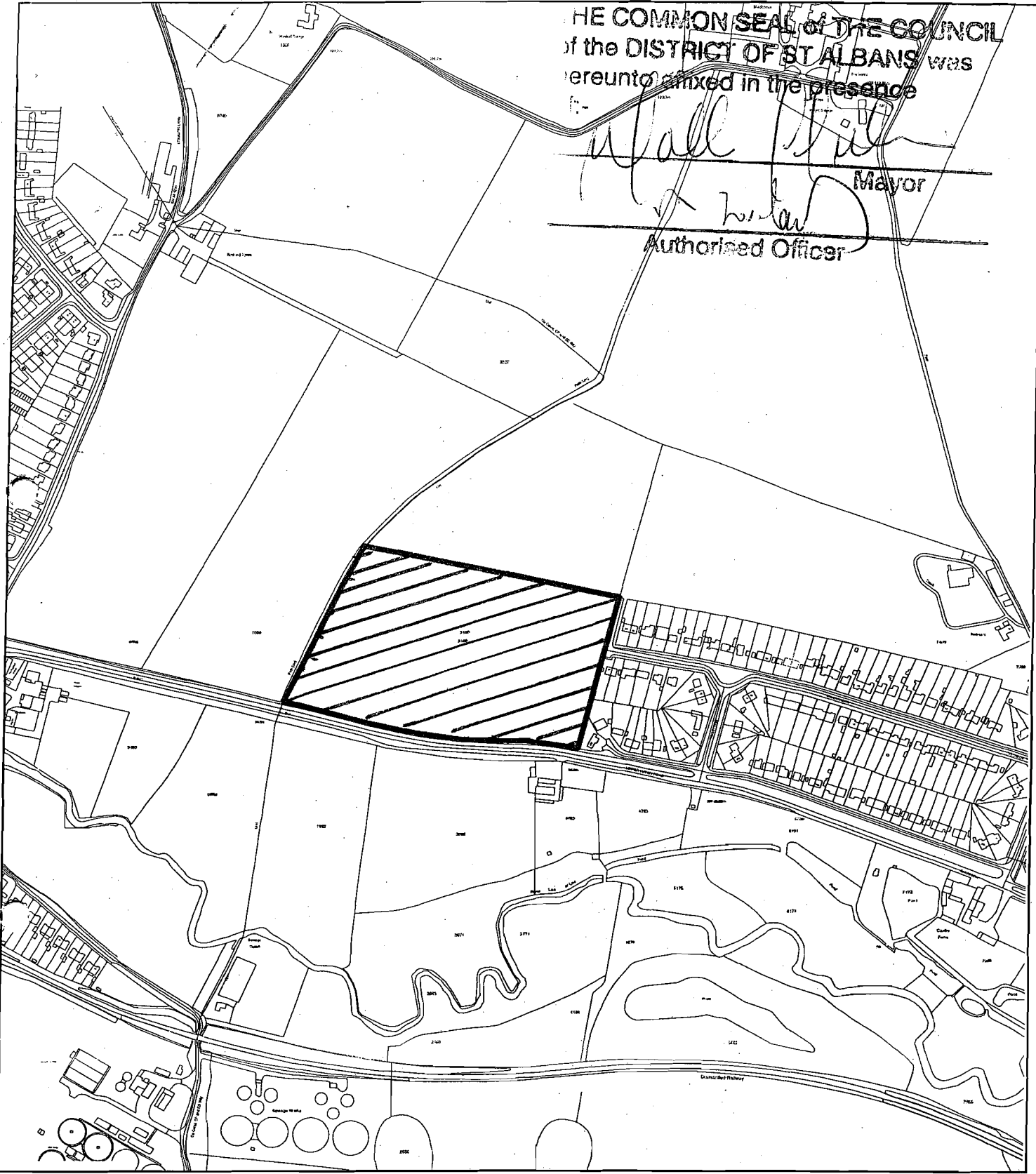
AUTHORISED OFFICER



THE COMMON SEAL of the COUNCIL
of the DISTRICT OF ST ALBANS was
hereunto affixed in the presence

[Signature]
Mayor

[Signature]
Authorized Officer



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Land North of Lower Luton Road, Wheathampstead

SCALE: 1:5000

DRAWN BY:

Notes:

REF:



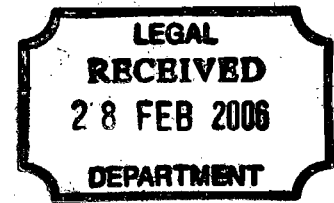
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MEMORANDUM

AR40

To: Head of Legal & Democratic Services
From: Head of Planning and Building Control
Our Ref: TP/2/1/01(06)
Your Ref: For the attention of Land Charges Section
Date: 24 February 2006
Subject: Land North of Lower Luton Road, Wheathampstead



I refer to the above area of land currently being marketed by the company Property Spy Plc.

An Article 4 Direction, dated 17 February 2006, has been issued, this removes permitted development rights with regard to the erection of any means of enclosure.

I attach a copy of that Order which should obviously be shown on any Land Charge enquiry undertaken. Land Registry indicates that the current proprietor of the land is a company called Hillgate Land Ltd of 5 Coopers Court, Hertford, SG14 1UB. Copies of the Direction have been sent to this company and Property Spy Plc.

A handwritten signature in black ink, appearing to read "N. Smith".

N Smith
Senior Planning Enforcement Officer

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER
1995

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 5(4) APPLIES

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AND WHEREAS the Council consider that development of the said description would be prejudicial to the proper planning of their area and would constitute a threat to the amenities of their area and that the provisions of paragraph 4 of the Article 5 of the Town and Country Planning (General Permitted Development) Order 1995 apply,

NOW THEREFORE the said Council in pursuance of the power conferred on them by Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below.

THIS DIRECTION is made under Article 4(1) of the said Order and, in accordance with Article 5(4), shall remain in force until 17 August 2006 and shall then expire unless it has been approved by the First Secretary of State.

SCHEDULE

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Part 2: Minor Operations

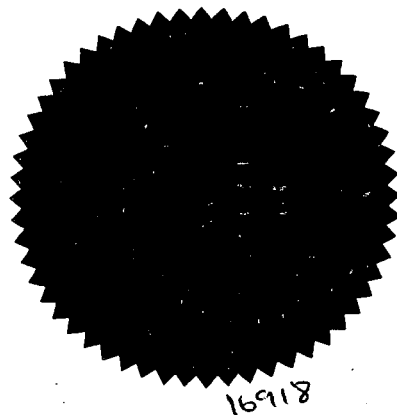
Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure

GIVEN UNDER THE COMMON SEAL
OF THE CITY AND DISTRICT
COUNCIL OF ST ALBANS ON
17 February 2006

THE COMMON SEAL OF THE COUNCIL
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PRESENCE OF:-

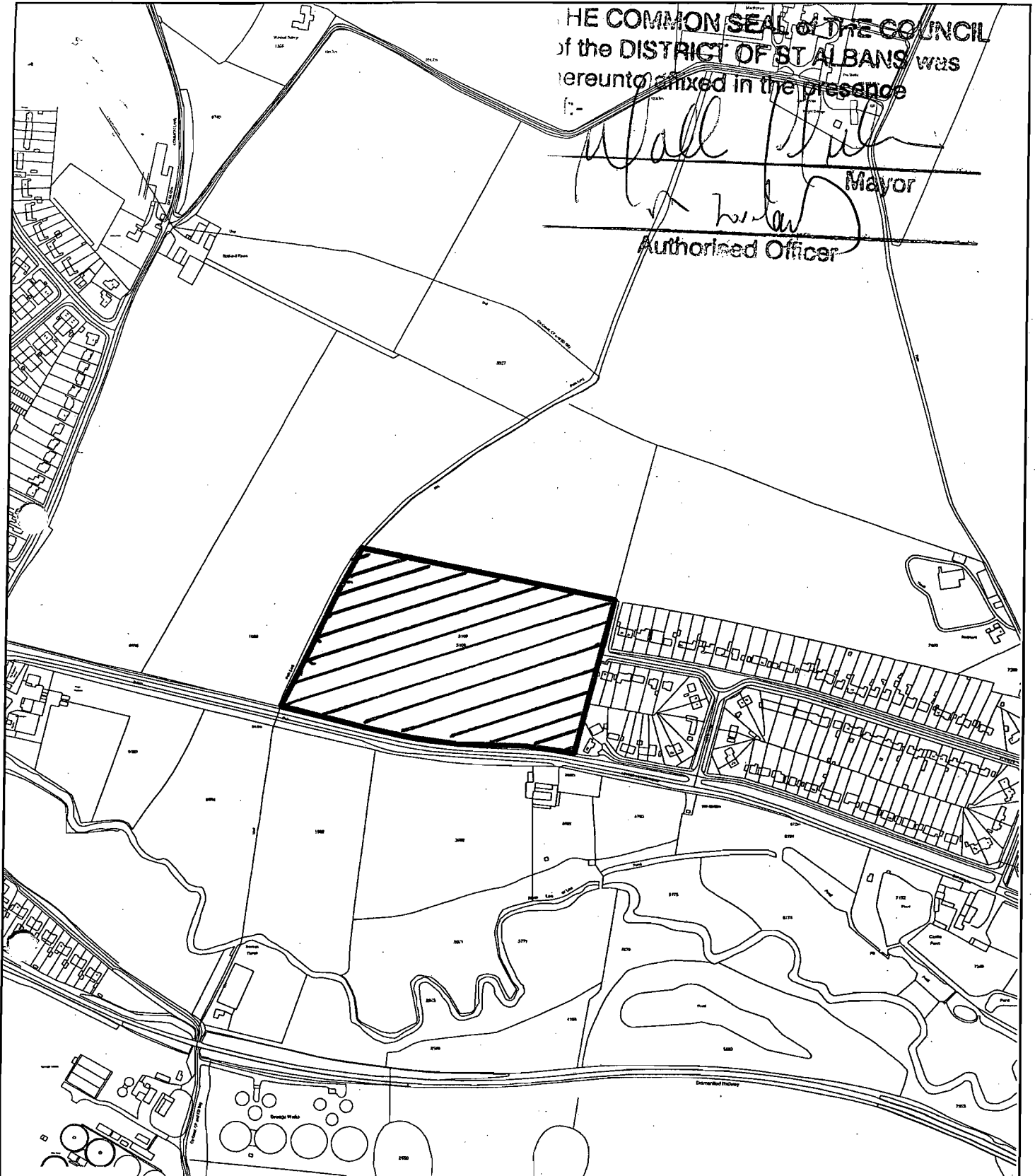
MAYOR

AUTHORISED OFFICER



THE COMMON SEAL of the COUNCIL
of the DISTRICT OF ST ALBANS was
hereunto affixed in the presence

[Signature]
Mayor
[Signature]
Authorized Officer



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Land North of Lower Luton Road, Wheathampstead

SCALE: 1:5000

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Notes:

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St Albans
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