

1070239
R

MEMORANDUM

To: Senior Local Land Charges Officer

Your Ref:

From: District Secretary and Solicitor

My Ref: Legal/6173/DJE/ce

Date: 5 September, 2000

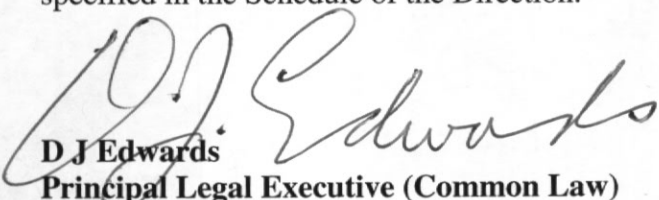
Direction under Article 4(1)
of the Town + Country
Planning (General Permitted
Development) Order 1995 as
to the erection, construction,
maintenance, improvement or
alteration of a gate, fence, wall
or other means of enclosure

**TOWN AND COUNTRY PLANNING (GENERAL) PERMITTED
DEVELOPMENT ORDER 1995**

**LAND REAR OF 2-84 RAGGED HALL LANE, CHISWELL GREEN, ST
ALBANS**

I attach hereto a copy of an Article 4 Direction which has now been confirmed by the Secretary of State. This should be registered as a Local Land Charge in Part 3 of the Register. You will see from the plan the area covered by the order namely Nos. 2-84 Ragged Hall Lane, Chiswell Green.

The effect of the Article 4 Direction is to remove permitted development rights as specified in the Schedule of the Direction.


D J Edwards

Principal Legal Executive (Common Law)

Spoke to David Edwards 3/10/00 who wants me to register this on 2-84 Ragged Hall Lane as well as land at rear.

12/4/04 - Spoke to David Edwards, he confirmed that, instead of registering the Article 4 direction on properties 2-84 Ragged Hall Lane, to put a note on the Search that there is one at R/O these properties, as he feels that the owners of the properties should be aware.



GOVERNMENT OFFICE
FOR THE EAST OF ENGLAND

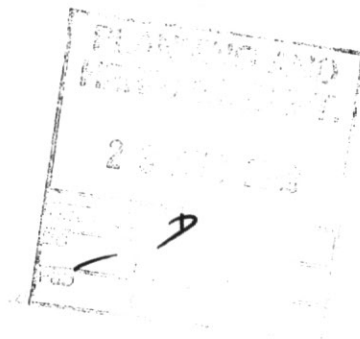
Director of Planning & Heritage
St Albans City and District Council
District Council Offices
St Peter's Street
St Albans
Herts AL1 3JE

Brian Young
Planning & Transport Division
Heron House
49-53 Goldington Road
Bedford
MK40 3LL

Tel: 01234 796183
Fax: 01234 6339
Internet email:
byoung.goe@go-regions.gsi.gov.uk
Website: <http://www.go-east.gov.uk>

Our Ref: E1/B1930/2/8/09
Your Ref: TP/2/1/15(00) GD

21 August 2000



Dear Madam

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 1995 – ARTICLE 4 (1) DIRECTION
LAND TO THE REAR OF 2-84 RAGGED HALL LANE, CHISWELL GREEN, ST
ALBANS**

1. I am directed by the Secretary of State for the Environment, Transport and the Regions to refer to your letter of 31 March 2000 with which you enclosed a Direction made under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 restricting development within Class A of Part 2 of that Order, permitted under Article 3, in respect of land to the rear of 2-84 Ragged Hall Lane, Chiswell Green, St Albans.
2. The Council's reasons for making the Direction have been carefully considered. An officer of the Department has visited the site.
3. A non-statutory objection has been made to the Secretary of State by Messrs Pickworths Solicitors on behalf of Sir Martin and Lady Holderness, the owners of Cuckmans Farm. Whilst there are no powers which provide for third parties to formally object to an Article 4(1) Direction, the Secretary of State is obliged to have regard to all material considerations. He has therefore taken this objection into account, although it does not raise any issue that disposes him to alter his views on the merits of the Direction.
4. The Secretary of State notes that the site is designated for agricultural use in the development plan and is within the Metropolitan Green Belt. The site forms part of a larger area of land that is enclosed to the south by properties along Ragged Hall Lane.
5. The Council has submitted evidence that the residents of Nos. 2-84 Ragged Hall Lane have been approached by the owner of Cuckmans Farm to ascertain if they are interested in purchasing some of the subject land to extend their rear gardens. It is concerned that works to



INVESTOR IN PEOPLE

fence off some plots have already been carried out, and believes that negotiations for the sale of some plots are already at an advanced stage. The publicity issued by the landowner's Estate Agents stated that it was permissible to erect a fence not more than 2 metres in height for 'leisure plots'. The Council considers that the fencing and sub-division of small plots of land would have an adverse impact on the rural openness, character and appearance of the Green Belt. It has attempted to counter the publicity by informing all the owners/occupiers of Nos. 2-84 Ragged Hall Lane that planning permission would be required if it was proposed to use the land for purposes other than agriculture.

6. 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. It is his policy 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 him the Secretary of State is satisfied that in this case such action is justified. He is satisfied that there is reliable evidence to suggest that permitted development is likely to take place which would damage an interest of acknowledged importance and which therefore should be brought within planning control in the public interest. He agrees with the Council that the 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 Green Belt and adversely affect views both internally and externally to the site.

7. For the reasons given above, the Secretary of State, in exercise of his 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 his approval is returned herewith.

8. The Council's attention is drawn to the provisions of Article 5(10) and 5(12) to 5(15) of the 1995 Order relating to the service or publication of notice of the Direction.

Yours faithfully



B J YOUNG

Head of Bedfordshire, Essex and Hertfordshire Planning Team

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 Council 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 rear of 2-84 Ragged Hall Lane, Chiswell Green, St Albans 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 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 5 October 2000, and shall then expire unless it has been approved by the Secretary of State for the Environment.

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

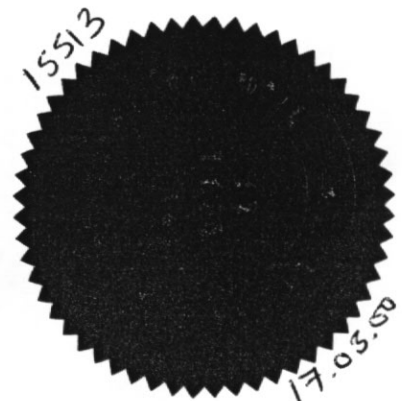
Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or the means of enclosure

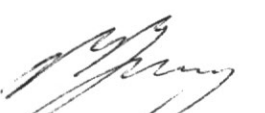
**GIVEN UNDER THE COMMON
SEAL OF THE CITY AND DISTRICT
COUNCIL OF ST ALBANS ON
THIS THE 6th DAY OF April 2000**

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


Deputy MAYOR


for CHIEF EXECUTIVE




Signed by Authority
of the Secretary of State

B YOUNG
A Principal in the
Government Office
for the East of England

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

M. Farnie
Deputy Mayor
M. Fowler
Chief Executive

[Signature]
Signed by Authority
of the Secretary of State

21 AUG 1990

B YOUNG
A Principal in the
Government Office
for the East of England



TITLE Article 4 Direction

REF No.

SCALE 1: 2500

DRAWN

DATE 05/04/10 PLAN NO.

Reproduced from the Ordnance Survey map
with the permission of the Controller of
Her Majesty's Stationery Office.

© Crown Copyright.

Unauthorized reproduction infringes Crown
Copyright and may lead to prosecution or
civil proceedings. Licence No. LA 079227

NOTES

