



MINISTRY OF HOUSING & LOCAL GOVERNMENT

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Please address any reply to

THE SECRETARY

and quote: APP/1219/C/10161 and 10464.

Your reference: JKF/VC.

E/98-68.

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Cover JS

Gentlemen,

Town and Country Planning Act 1962 - Section 46
Land at Church Lane, Wormley
Appeals by Messrs C.G. Edward (Goffa Oak) Limited

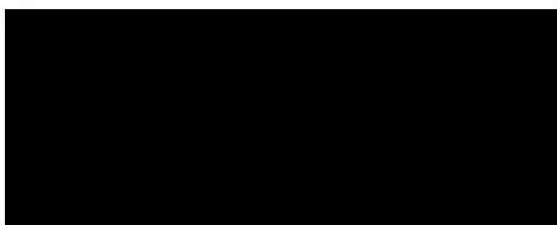
1. I am directed by the Minister of Housing and Local Government to refer to the report of the Inspector, Mr. F. Woodford, Dip. T.F., A.M.T.F.I., who held a local inquiry into your clients' appeals against enforcement notices served by the Hoddesdon Urban District Council, acting on behalf of the Hertfordshire County Council, relating to:-

- (1) the erection of a building within the site of a gravel pit on the north side of Church Lane, Wormley. (Enforcement Notice No.1);
- (2) the use of the premises and land on the north side of Church Lane, Wormley, for the preparation of soil for horticulture. (Enforcement Notice No.2).

2. Your clients appealed against the enforcement notices on the grounds set out in section 46(1)(c), (d), (e), (f) and (g) of the 1962 Act, but at the inquiry ground (a) was added and the other grounds were withdrawn.

3. The Inspector, a copy of whose report is enclosed, concluded that while the legal grounds of appeal had been withdrawn and the legal implications of the facts were matters for legal advice the circumstances of the appeal led him to the opinion that the use for the preparation of soil compost in the small quantity of up to 400 cubic yards per annum was so closely allied to the permitted uses of the pit for the extraction of sand and gravel and the tipping of materials including soil, and also to your clients' functions as nurserymen, for which purpose they held and occupied the appeal site, that it was not materially different from either. He therefore considered that it did not involve development requiring planning permission, and that the structure within which the use was conducted was permitted development by virtue of both Class VI and Class XVIII of Schedule I to the Town and Country Planning General Development Order 1963. If his view of the legal position was incorrect and development was involved, then he took the view that the development was fundamentally a green belt use, being closely allied to horticulture, and that it did no harm to local amenities and was unlikely to materially affect traffic conditions in Church Lane. Whilst the planning authority's concern to ensure that the pit was restored to agricultural use by 30th June 1979 was understandable, he did not think that the grant of a limited period permission as requested by your clients would prejudice this aim. If it was decided that development requiring planning permission was involved, he recommended that the notices be quashed and that permission be granted for the building and/or the use for the preparation of soil, subject to conditions designed to ensure that the building be removed and the use terminated not later than 30th June 1979.

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COUNTY PLANNING OFFICE
HERTFORD