

Appendix B.

Claire Dodd

From: [REDACTED]
Sent: 22 August 2011 12:32
To: Trevor Saunders; Planning Online
Cc: Lisa Newlands
Subject: Wrest Park - Notice Pursuant to Article 5(1) of an Article 4 Direction
Importance: High

Dear Mr Saunders,

Notice Pursuant to Article 5(1) of the making of an Article 4 Direction

I am writing in respect of a recent letter sent to Occupiers of buildings at the Wrest Park Estate, of which my company is the owner. This letter specifically states that your authority has made an Article 4 (1) Direction on 1st August 2011 and that representations to this Direction can be made within the period 1st August 2011 to 22nd August 2011. This letter was undated and consequently I am unable to verify when this notice was served and whether due process has been adhered to in this regard.

Furthermore, as the owner of the site, I have not received a copy of this letter directly and by chance have only just been informed of this decision, hence my representations by way of e-mail as opposed to a formal letter given the timescales involved in this process.

Prior to discussion of the merits of this Article 4 (1) Direction and my representations against this process, I wish to raise a specific procedural issue, which I believe have not been met in respect of the appropriate serving of notice.

Article 5(1) paragraph (b) of the Town and Country (General Permitted Development) Order 1995 (and Amendment 2010) requires a site notice to be displayed at no fewer than two locations within the area to which the direction relates, or at the site of the particular development to which the article relates. I am unaware that any notices at the site and there is one notice on a lamppost about half a mile from the area edged red.

As a consequence, I currently consider that your authority has failed to adhere to due process as set out within the General Permitted Development Order 1995 and that the serving of this Article may be considered unlawful in this regard and potentially subject legal challenge. I would seek confirmation and documented evidence from you as to whether a site notice has been displayed in accordance with the guidance of Article 5(1) paragraph (b).

Notwithstanding this issue, in respect of the Article 4(1) Direction itself, I have studied Government Circular 9/95 (General Development Order Consolidation) 1995 and in particular paragraph 4-1085 which provides guidance on reasons for a Local Authority to issue an Article 4 Direction. Paragraph 4-1085 specifically states:

'Article 4(1) and the new Article 4(2) of the Permitted Development Order enable local planning authorities to make directions withdrawing permitted development rights given under Schedule 2 to that Order. However, permitted development rights have been endorsed by Parliament and consequently should not be withdrawn locally without compelling reasons. Generally and subject to the guidance in this Appendix, permitted development rights should be withdrawn only in exceptional circumstances. Such action rarely be justified unless there is a real and specific threat, i.e. there is reliable evidence to suggest that permitted development is likely to take place which could damage an interest of acknowledged importance and which should therefore be brought within full planning control in the public interest.' (Own emphasis)

22/08/2011

As a consequence, it is considered even more unfathomable that your authority would seek to impose such a restrictive Direction on the Wrest Park Estate in light of National Government guidance and the need for the planning system to facilitate a swift return to economic growth. The decision to follow a restrictive approach to the Wrest Park Estate, without valid and justifiable evidence, which would discourage local businesses to set up within the Borough represents a fundamentally flawed approach and one that I am wholeheartedly opposed to.

I would seek for these representations to be fully considered and addressed before any future action is taken to confirm the proposed Article 4(1) Direction.

In summary:-

- 1) The due procedure of the Article 4 Direction is questionable and is potentially open to challenge.
- 2) It applies to small units less than 235m² in area (there are a handful of these) but proposes to affect multi-storey offices, warehouses and standard industrial units which could not possibly ever be less than the above size.
- 3) I would very much like a first opportunity to discuss what is hoped to be gained by this Direction and the exceptional circumstances and compelling reasons which your authority consider apply in this instance. I note this cannot be about traffic management by local residents as I have heard neither complaint regarding the situation on the ground nor comment on the traffic management programme despite requests.

I trust this is clear and would seek acknowledgment of my objection.

Regards

[Redacted]
Director

Wrest Park Limited

[Redacted]
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