

NOTICE OF MAKING OF ARTICLE 4 DIRECTION

WEST DORSET DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

**NOTICE OF MAKING OF DIRECTION UNDER ARTICLE 4 OF THE TOWN AND COUNTRY PLANNING
GENERAL DEVELOPMENT ORDER 1988**

To: Mr W G Pitt-Kerby
of Monkey Jump Grill,
Bridport Road,
Winterborne Monkton,
Dorchester, Dorset.

West Dorset District Council gives you notice as owner and occupier of the land described in the Second Schedule to this Notice ("the Land") that the Council has made a Direction under Article 4 of the Town and Country Planning General Development Order 1988.

The Direction relates to development of the type specified in the First Schedule to this Notice.

The effect of the Direction is that permission granted by Article 3 of the Town and Country Planning General Development Order 1988 shall not apply to development of the type specified in the First Schedule to this Notice and that such development shall not be carried out on the Land unless planning permission is granted by the Council on an application made to it.

A copy of the Direction and of the map defining the area of land covered by it is enclosed herewith and may also be seen at the offices of the West Dorset District Council at 58/60 High West Street, Dorchester, Dorset, during normal office hours.

The Direction was made by the Council on the 16th July 1993 and comes into effect in relation to the Land on the date this Notice is served on you (being the owner and occupier of the Land).

FIRST SCHEDULE

Schedule 2 Part 2 Classes A and C (Minor Operations)

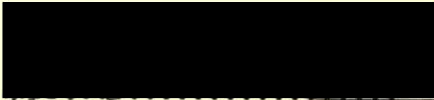
- Class A The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure
- Class C The painting of the exterior of any building or work

SECOND SCHEDULE

Land at the Monkey Jump Grill, Bridport Road, Winterborne Monkton, Dorchester, Dorset

Dated 16 July 1993

Signed


Duly authorised Officer
of the Authority

WEST DORSET DISTRICT COUNCIL

Town and Country Planning Act 1990

Town and Country Planning General Development Order 1988

WHEREAS

- (1) The West Dorset District Council ("the Council") is the local planning authority for the district of West Dorset
- (2) The Council is satisfied that it is expedient that development described in the First Schedule hereto on land described in the Second Schedule hereto should not be carried out unless permission is granted for it on an application

WITNESSETH

The Council in pursuance of the power conferred upon it by Article 4 of the Town and Country Planning General Development Order 1988 ("the Order") hereby directs that the planning permission granted by Article 3 of the Order shall not apply to all or any development specified in the First Schedule hereto of the land described in the Second Schedule hereto

FIRST SCHEDULE

SCHEDULE 2 PART 2 CLASSES A AND C (MINOR OPERATIONS)

- | | |
|---------|---|
| Class A | The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure |
| Class C | The painting of the exterior of any building or work |

SECOND SCHEDULE

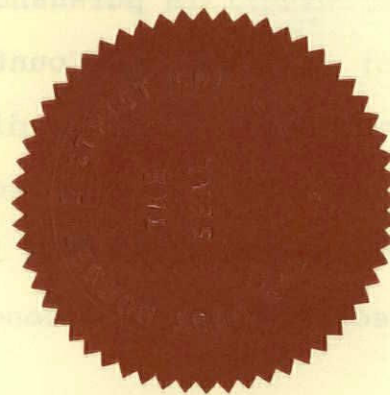
Land at the Monkey Jump Grill, Bridport Road, Winterborne Monkton,
Dorchester, Dorset shown edged red on the attached plan

IN WITNESS whereof the Council has caused its Common Seal to be
hereunto affixed this 16th day of July 1993

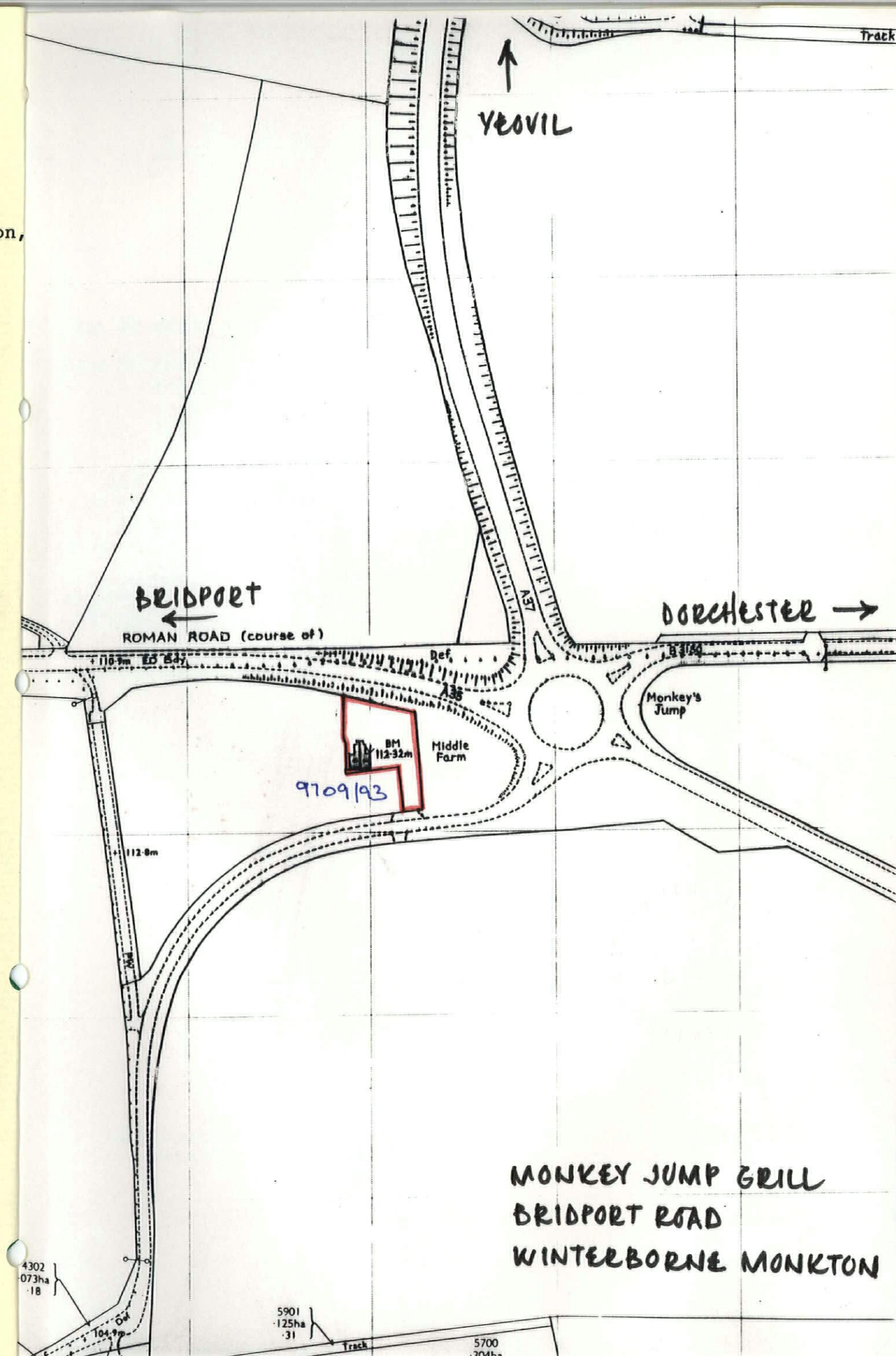
The Common Seal of WEST
DORSET DISTRICT COUNCIL
was hereunto affixed in
the presence of:-

Chairman of the Council

Chief Executive



9709/93



DATED

16th July

1993

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING GENERAL
DEVELOPMENT ORDER 1988

ARTICLE 4 DIRECTION

Land at the Monkey Jump Grill,
Bridport Road, Winterborne
Monkton, Dorchester, Dorset

A D McClure
District Solicitor
West Dorset District Council
58/60 High West Street
Dorchester
Dorset DT1 1UZ

RELEVANT EXTRACTS FROM THE TOWN AND COUNTRY PLANNING GENERAL
DEVELOPMENT ORDER 1988

Article 4 - Directions restricting permitted development

4. (1) If the Secretary of State or the appropriate local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2 hereto, other than Class B of Part 22 or Class C of Part 23, should not be carried out unless permission is granted for it on an application, he or they may, subject to paragraph (2), give a direction that the permission granted by Article 3 shall not apply to -

- (a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or
- (b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction.

(2) A direction under paragraph (1) shall not affect the carrying out of -

- (a) development permitted by Part 11 authorised by an Act passed after July 1, 1948 or by an order requiring the approval of both Houses of Parliament approved after the date:
- (b) any development in an emergency; or
- (c) any development mentioned in Part 24, unless the direction specifically so provides.

(3) A direction given or having effect as if given under this article shall not, unless the direction so provides, affect the carrying out by a statutory undertaker of the following descriptions of development -

- (a) the maintenance of bridges, buildings and railway stations;
- (b) the alteration and maintenance of railway track, and the provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;
- (c) the maintenance of docks, harbours, quays, wharves, canals and towing paths;
- (d) the provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, bank, wharf or basin;
- (e) any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;
- (f) the maintenance of buildings, runways, taxiways or aprons at an aerodrome;

(g) the provision, alteration and maintenance of equipment, apparatus and works at an aerodrome, required in connection with the movement of traffic by air (other than buildings, the construction, erection, reconstruction or alteration of which is permitted by Part 18, Class A of Schedule 2 to this order).

(4) In this article and in article 5 "appropriate local planning authority" means -

(a) in relation to a conservation area in a non-metropolitan county, the county planning authority or the district planning authority, and

(b) in relation to any other area, the local planning authority whose function it would be to determine an application for planning permission for the development to which the direction relates or is proposed to relate.

Article 5 - Approval of Secretary of State for article 4 directions

5. (1) Except in cases specified in paragraphs (3) and (4), a direction by a local planning authority under article 4 requires the approval of the Secretary of State, who may approve the direction with or without modifications.

(2) On making a direction under article 4 or submitting such a direction to the Secretary of State for approval -

(a) a county planning authority shall give notice thereof to the district planning authority in whose area the land to which the direction relates is situated; and

(b) except in metropolitan districts, a district planning authority shall give notice thereof to the county planning authority.

(3) Unless it affects the carrying out of development by a statutory undertaker as provided by article 4(3), the approval of the Secretary of State is not required for a direction which relates to -

(a) a listed building;

(b) a building which is notified to the authority by the Secretary of State as a building of architectural or historic interest; or

(c) development within the curtilage of a listed building;

and does not relate to land of any other description.

(4) Subject to paragraph (6), the approval of the Secretary of State is not required for a direction relating only to development permitted by any Parts 1 to 4 of Schedule 2, if the relevant authority consider the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.

(5) A direction not requiring the Secretary of State's approval by virtue of paragraph (4) shall, unless disallowed or approved by the Secretary of State, expire at the end of six months from the date on which it was made.

(6) Paragraph (4) does not apply to a second or subsequent direction relating to the same development or to development of the same class or any of the same classes, in the same area or any part of that area.

(7) The local planning authority shall send a copy of any direction made by them to which paragraph (4) applies to the Secretary of State not later than the date on which notice of that direction is given in accordance with paragraph (10) or (12).

(8) The Secretary of State may give notice to the local planning authority that he has disallowed any such direction and the direction shall then cease to have effect.

(9) The local planning authority shall as soon as reasonably practicable give notice that a direction has been disallowed in the same manner as notice of the direction was given.

(10) Subject to paragraph (12), notice of any direction made under article 4 shall be served by the appropriate local planning authority on the owner and occupier of every part of the land affected as soon as practicable after the direction has been made or, where the direction is required to be approved by the Secretary of State, as soon as practicable after it has been so approved; and a direction shall come into force in respect of any part of the land on the date on which notice is so served on the occupier of that part, or, if there is no occupier, on the owner.

(11) If a direction to which paragraph (4) applies is approved by the Secretary of State within the period of 6 months referred to in paragraph (5), then (unless paragraph (12) applies) the authority who made the direction shall, as soon as practicable, serve notice of that approval on the owner and occupier of every part of the land affected by the direction; and where the Secretary of State has approved the direction with modifications the notice shall indicate the effect of the modifications.

(12) Where in the case of a direction under article 4(1)(a) an authority consider that individual service in accordance with paragraph (10) or (11) is impracticable for the reasons set out in paragraph (14) they shall publish a notice of the direction, or of the approval, in at least one newspaper circulating in the locality in which the land is situated.

(13) A notice published pursuant to paragraph (12) shall contain a statement of the effect of the direction and of any modification made to it by the Secretary of State, and shall name a place or places where a copy of the direction, and of a map defining the area to which it relates, may be seen at all reasonable hours.

(14) The reasons referred to in paragraph (12) are that the number of owners and occupiers of the land to which the direction relates makes individual service impracticable, or that it is difficult to identify or locate one or more of them.

(15) Where notice of a direction has been published in accordance with paragraph (12), the direction shall come into force on the date on which the notice is first published.

(16) A local planning authority may, by making a subsequent direction and without the approval of the Secretary of State, cancel any direction made by them under article 4, and the Secretary of State may make a direction cancelling any direction under Article 4 made by the local planning authority.

(17) Paragraphs (10) and (12) to (15) shall apply to any direction made under paragraph (16).

RELEVANT EXTRACTS FROM THE TOWN AND COUNTRY PLANNING ACT, 1990

Part IV

Compensation for Effects of Certain Orders, Notices, Etc.

Compensation for Revocation of Planning Permission Etc.

Compensation where planning permission revoked or modified

107 - (1) Subject to section 116, where planning permission is revoked or modified by an order under section 97, then if, on a claim made to the local planning authority within the prescribed time and in the prescribed manner, it is shown that a person interested in the land or in minerals in, on or under it -

- (a) has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification; or
- (b) has otherwise sustained loss or damage which is directly attributable to the revocation or modification,

the local planning authority shall pay that person compensation in respect of that expenditure, loss or damage.

(2) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory to it, shall be taken to be included in the expenditure incurred in carrying out that work.

(3) Subject to subsection (2), no compensation shall be paid under this section in respect -

- (a) of any work carried out before the grant of the permission which is revoked or modified, or
- (b) of any other loss or damage arising out of anything done or omitted to be done before the grant of that permission (other than loss or damage consisting of depreciation of the value of an interest in land).

(4) In calculating for the purposes of this section the amount of any loss or damage consisting of depreciation of the value of an interest in land, it shall be assumed that planning permission would be granted

- (a) subject to the condition set out in Schedule 10, for any development of the land of a class specified in paragraph 1 of Schedule 3;
- (b) for any development of a class specified in paragraph 2 of Schedule 3.

(5) In this Part any reference to an order under section 97 includes a reference to an order under the provisions of that section as applied by section 102(3) (or, subject to section 116, by paragraph [1(3) of Schedule 9).

Compensation for refusal or conditional grant of planning permission formerly granted by development order

108 - (1) Where -

- (a) planning permission granted by a development order is withdrawn (whether by the revocation or amendment of the order or by the issue of directions under powers conferred by the order); and
- (b) on an application made under Part III planning permission for development formerly permitted by that order is refused, or is granted subject to conditions other than those imposed by that order,

section 107 shall apply as if the planning permission granted by the development order -

- (i) had been granted by the local planning authority under Part III;

and

- (ii) had been revoked or modified by an order under section 97.

(2) Where planning permission granted by a development order is withdrawn by revocation or amendment of the order, this section applies only if the application referred to in subsection (1)(b) is made before the end of the period of 12 months beginning with the date on which the revocation or amendment came into operation.

(3) This section shall not apply in relation to planning permission for the development of operational land of statutory undertakers.

(4) Regulations made by virtue of this subsection may provide that subsection (1) shall not apply where planning permission granted by a development order for demolition of buildings or any description of buildings is withdrawn by the issue of directions under powers conferred by the order.