



Department of the Environment and
Department of Transport

Common Services

Room 1319 Tollgate House Houlton Street Bristol BS2 9 DJ

Telex 449321

Direct line 0272-218 875

Switchboard 0272-218811

~~1) MS~~
~~(P2) EB~~
~~3) TD~~
~~4) TD AM2~~
RETURN TO MR. FOR
FOR COMMITTEE REPORT

Messrs Faulkners
Chartered Surveyors
49 High Street
KINGS LANGLEY
Herts

Your reference

- 5 DEC 1983

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Created

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|-----------------------------|----------|--------------------------|------|---|------|--|--|
| Our reference | | | | PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL | | | |
| T/APP/A1910/A/83/003162/PE1 | | | | | | | |
| Date | | Ack. | | | | | |
| C.P.O. | 2 DEC 83 | C. | B.C. | Admin. | File | | |
| Received | | - 5 DEC 1983 | | TU | | | |
| Comments | | Reported to B.C.C. | | 24/11 (A.N.) | | | |
| | | Copy passed to Wyn Evans | | 19.1.84 | | | |

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND
APPEAL BY MR J E JENKS
APPLICATION NO:- 4/0031/83

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. The appeal is against the decision of the Dacorum District Council to refuse planning permission for the change of use of a building to a dwelling at Little Cloud, Park Road, Tring. The change of use has already taken place, and I will therefore determine the appeal on the basis that the application is for it to continue under section 32 of the Town and Country Planning Act 1971. I held a local inquiry into the appeal on 15 November 1983.

2. At the inquiry you submitted that planning permission was not necessary for the residential use of the building and land subject of the appeal as it was merely the resumption of a former residential use. Firm information about any previous residential use - if indeed it ever took place - is not available as the building has not been used for such a purpose since it was acquired by the present owner's father many years ago. I note that an interested person who knows the area well states that no-one has ever actually lived there previously on a permanent basis, although the building, which was apparently erected about 1900, was used as a mess room and night duty shelter when required for a keeper employed to look after exotic birds bred on the adjoining land in the early 1900s. More recently it has been used for storage, and the application subject of this appeal, and a previous application made in 1979, both state that the existing use of the building is storage, although the earlier application mentions former residential use. It is not open to me give a formal ruling on whether planning permission is required, but I have considered the arguments put forward on the question and it appears to me that there is considerable doubt about whether it could be concluded that the building and the appeal site have a subsisting residential use. I accordingly propose to determine the appeal.

3. From my inspection of the site and surroundings, and from my consideration of all the representations made, I am of the opinion that the decision in the appeal rests primarily on whether the continued residential use of the appeal premises would be harmful to the character of the area in the light of the council's various special planning policies for its preservation and protection.

4. The appeal site is a small area of land extending to about 600 sq m close to the southern side of Park Road. The building on it is of single-skin, 9 ins brick, construction, with tiled roof above, and is some 12.8 m long and 4.3 m wide with a

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mr. J.E. Jenks,
Little Cloud,
Park Road,
Tring, Herts.

Change of use to residential
.....
.....
at Little Cloud, Park Road, Tring.....
.....

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 30th November 1982 and received with sufficient particulars on 7th January 1983 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:--

The site is within an area without notation on the Approved County Development Plan and in an area referred to as being within the extension of the Metropolitan Green Belt in the Approved County Structure Plan (1979) and the Dacorum District Plan, wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.

Dated 24th day of February 19. 83 ..

Signed..... *W. B. B. B. B.*
Chief Planning Officer

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.

Dated.....2nd.....day of.....February.....19.83.....

Signed..........

Designation ...Chief..Planning..Officer

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(4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.