

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning

Ref. No. 4/0127/81

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Alpha Bulk Liquids Ltd.,
P.O.Box 21,
RICKMANSWORTH,
Herts.
WD3. 4LY.

Use of land for the parking, servicing and repair of commercial vehicles and ancillary office accommodation at "Ethylwin", Buncefield Lane, Hemel Hempstead.

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 12th January, 1981, and received with sufficient particulars on 3rd February, 1981, and shown on the plan(s) accompanying such application.

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

- 1. In the opinion of the local planning authority the network of roads in the vicinity of the application site being narrow, winding in character and without footpaths, is inadequate to carry the type of additional traffic that would be generated by the proposed development. The proposal would therefore prejudice the free flow and safety of traffic on the existing roads.
2. The proposal is contrary to Policy 48 of the deposited District Plan wherein permission for new industrial buildings, extensions to existing industrial buildings, or changes of use of existing buildings to industry will normally only be granted where the proposal is located either within an existing industrial area, as indicated on the Proposals Map, or in an area shown for industrial development on the Proposals Map. The site is not in an area shown for industrial development.

Dated 19th day of March, 1981.

Signed [Signature]

Designation Chief Planning Officer.

## 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, Whitehall, London, S.W.1.) 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.

Department of the Environment



Room

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272 218  
Switchboard 0272 218811

GTN 2074  
Received

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.				Ack.	
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
218					
Date: -9 OCT 1981					
Comments: COPY SENT TO SECRETARY					
Your reference: PRB/AJK					
Our reference: T/APP/5252/A/81/06328					
Date: 12/11/81					

Messrs Fuller Hall and Roulsham EXECUTIVE  
Architects Surveyors Town Planners  
and Property Managers  
53 Marlowes  
HEMEL HEMPSTEAD  
HP1 1LL

-9 OCT 1981

Refer to .....

Cleared .....

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY ALPHA BULK LIQUIDS LIMITED  
APPLICATION NO: 4/0127/81  
"ETHYLWIN", BUNCEFIELD LANE, HEMEL HEMPSTEAD

33855

- I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse permission for the use of the residential property known as "Ethylwin", Buncefield Lane, Hemel Hempstead, to be changed to the parking, servicing and repair of commercial vehicles and ancillary office accommodation. I have considered the written representations made by you, by the Council and by other parties. I inspected the site on 22 September 1981.
- The appeal site is situated in an area where according to the extant Approved County Development Plan green belt policies are applied which do not permit of development other than for agricultural or recreational uses or other uses appropriate to a rural area. This Plan is in the process of being superseded by a deposited District Plan prepared within the framework of the approved Hertfordshire County Structure Plan; the District Plan has been certified by the County Council and was the subject of a public inquiry held in July 1981; the outcome is awaited. In the District Plan the applicable policy provides for the changes of use of existing buildings to industry only normally being permitted where the buildings are within an industrial area or an area which the Plan provides for being developed for industrial purposes. The appeal site is not within either of such areas.
- From my inspection of the appeal site and surroundings and the representations made I consider that the main issue in this case is the extent to which the change of use as applied for would conflict with the relevant planning policies for the area, existing and proposed.
- The appeal site is situated within an area bounded on the south side by the major highway Breakspear Way, on the north side by the minor road, Three Cherry Trees Lane. on the east side by a minor road, Green Lane and to the west by a large industrial estate. South-north through the area runs Buncefield Lane from Breakspear Way to Three Cherry Trees Lane. Buncefield Lane is very narrow, providing in most places only one lane for traffic and in places is tortuous in alignment; it is mostly bounded on both sides by high hedges and trees. North of its junction with Breakspear Way, Buncefield Lane is joined on its west side by Wood Lane End which on its south side has a number of small pleasant dwellings. Apart from Wood Lane End, that part of the area between Buncefield Lane and the industrial estate, west of the lane, is occupied by a caravan site (near Breakspear Way) and

by extensive playing fields north and south of Wood Lane End and northwards beyond the appeal site; thereafter the land is used for agricultural purposes save for an area south of Three Cherry Trees Lane where it is proposed to permit industrial development. There are 4 residential properties, well spaced out on the west side of Buncefield Lane, all occupied except for "Ethylwin" which has been allowed to become somewhat derelict. Generally speaking the use of the land on the west side of Buncefield Lane is visually pleasant and provides a welcome green open space eastwards of the industrial estate.

5. On the east side of Buncefield Lane, just north of Breakspear Way, is a cemetery north of which is a farmstead where are parked a large number of caravans. Most significantly the east side of the lane, between it and Green Lane, is then occupied by a huge depot for oil storage, access to which is from Green Lane. Despite the number and size of the oil storage tanks they are well screened from viewpoints westwards of the depot by the high hedges and trees along Buncefield Lane and such screening equally shields the property "Ethylwin" from the depot. It is not my opinion that the existence of the depot renders "Ethylwin" more unsuitable for residential occupation than any of the other occupied dwellings along the road. I consider that the planning authority have done well to enforce their planning policies for maintaining the area to the west of Buncefield Road generally as open space. As it now is, Buncefield Lane is quite unsuitable for large tanker vehicle

6. I have taken account of all the other matters raised in the written submissions but I do not find in them factors of sufficient strength to outweigh the considerations referred to above that lead me to the conclusion that the change of use as applied for in Application No: 4/0127/81 should not be permitted.

7. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant



R L ROLPH TD MA FICE MIMunE  
Inspector