

TOWN PLANNING REGISTER SHEET

ADDRESS/LOCATION OF SITE

Land in Shantock Hall Lane,
Bovingdon,
Herts

TOWN PLANNING REF. NO.

74/0134/86E

EXISTING BLD. REGN. OR OTHER REF. NO.

DATE COMMENCEMENT OF STATUTORY PERIOD

24.11.86

DATE OF EXPIRY OF STATUTORY PERIOD

DATE OF DECISION

DECISION

DIRECTIONS

Dept of Env. County Plan. Auth. County High. Auth.

DATE OF APPEAL DECISION

12.8.86

APPEAL DECISION

DISMISSED

O.S. SHEET NO.

792

NAT. GRID REF.

TL0030002800

ROAD CLASS.

NE. 11

PREVIOUS APPLICATIONS ON SAME SITE

LOCAL AUTHORITY NAME

Dacorum Borough Council

PARISH NAME

Bovingdon

DESCRIPTION OF PROPOSED DEVELOPMENT

Appeal against enforcement
Storage of pallets

NAME AND ADDRESS OF APPLICANT

Michael Lutz, Esq.,
Mayfield,
Maple Hill,
Bovingdon, Herts

NAME AND ADDRESS OF AGENT

D/S Forbes,
Messrs Pickworth & Co.,
37 Marlows,
Hemel Hempstead, Herts. HP1 1LO



Department of the Environment and
Department of Transport

Common Services

Room 1410 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 938

Switchboard 0272-218811

CHIEF EXECUTIVE
OFFICER

13 AUG 1986

File ref:
Ref no: CPO 13/8
.....

Council Reference: 4/0134/86E

11475

Messrs Pickworth and Company
Solicitors
37 Marloes
HEMEL HEMPSTEAD
Hertfordshire
HP1 1LQ

~~JCB~~
~~2) MB~~
~~3) IDAINE~~
~~4) TEAM 1~~

Your reference				
DSF/MLC/1				
PLANNING DEPARTMENT				
DACORUM DISTRICT COUNCIL				
Our reference				
Ref. T/APP/A1910/C/86/186/R&G.				
Date				
C.P.O.	DP	2 AUG 86	B.C.	Admin. File
Received 13 AUG 1986				
Comments				

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEAL BY MR M LUTT
LAND AT SHANTOCK HALL LANE, BOVINGDON, HERTFORDSHIRE

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against an enforcement notice issued by the Dacorum Borough Council concerning the above mentioned land. I have considered the written representations made by you and by the Council and also those made by other interested persons and I inspected the site on 21 July 1986.
2. a. The date of the notice is 17 December 1985.
 - b. The breach of planning control alleged in the notice is the making of a material change in the use of land at Shantock Hall Lane, Bovington, from use for agricultural purposes to use for the storage and repair of pallets and for the parking of motor lorries in association with the transport of pallets.
 - c. The requirements of the notice are the discontinuance of the use of the land for the storage and repair of pallets and for the parking of motor lorries in association with the transport of pallets.
 - d. The period for compliance with the notice is 2 months.
 - e. The appeal was made on the grounds set out in Section 88(2) (a) of the 1971 Act as amended.
3. The appeal site, comprising about 0.81 ha of flat land, has a frontage of about 130 m to Shantock Hall Lane and a side frontage of about 30 m to the Bovington-Ley Hill Road from which roads the site and its contents are screened by mature deciduous trees and bushes. About one-sixth of the land is occupied by stacks of pallets, generally about 2 m high but in places up to 4 m in height. Also on the site is a small quantity of scrap metal, salvaged cardboard and a small touring caravan. Part of the site in the north-west corner is used for the storage of farmyard manure. Apart from parts which are surfaced with concrete or hardcore and broken brick, the site has an uneven surface of compacted earth. At the 25 ft wide splayed entrance which gives access to the site from Shantock Hall Lane, visibility from a point 4.5m back from the carriageway is unrestricted for about 10m in both directions. The carriageway of the road is about 4m wide without footways or verges.

4. It was pointed out at the site inspection that while timber is recovered from damaged pallets, pallets are no longer repaired or are intended to be repaired on the site and I propose to consider the deemed application accordingly.

5. From my inspection of the site and surroundings, and the representations made, I am of the opinion that the main issues to be decided are whether there are valid reasons to justify the continued use of the site for the storage of pallets and for the parking of motor lorries in connection with the transport thereof as an exception to the green belt policies contained in the Hertfordshire County Structure Plan and the adopted Dacorum District Plan, and whether there are objections to this use of the land on highway grounds.

6. In this part of the Metropolitan Green Belt, extending from the disused Bovington airfield, where a new prison is under construction, southwards to the appeal site, the many established or permitted non-agricultural uses include vehicle repair businesses, other light and general industry, vehicle parking, builders' merchants yard and the extensive Bovington Brickworks and I noted that several of these uses have been extended and consolidated by the erection of new buildings. However, since these uses are confined to the land on the north side of Shantock Hall Lane, the commercial use of the appeal site is the only non-conforming use, apart from the relatively unobtrusive gas pumping station, in the otherwise agricultural area bounded by Shantock Hall Lane, Shantock Lane and the main Bovington-Ley Hill Road.

7. While the trees and bushes which screen most of the appeal site are in leaf, stacks of pallets are not obtrusive but this would not be the case in the winter and I do not consider that it would be practicable to improve the screening of the site by the planting of quick-growing conifers along its boundaries. Even if pallets were stacked to a maximum of say 2 m, I do not consider that this storage use is one which is acceptable in the green belt by reason of the impact which it would continue to have on the amenities of this rural locality.

8. Even on its present scale, your client's business clearly involves the frequent movement of lorries which are used for the transport of pallets to and from the site and an expansion in the size of the business would result in a considerable increase in the number of vehicle movements. Even if the existing entrance to the site were improved, the narrowness and nature of this part of Shantock Hall Lane is such that it is unsuitable for use by the size and number of vehicles involved. You have suggested that conditions could be imposed to restrict the number of vehicle movements but such restriction would be impracticable and would not overcome what I consider to be the valid highway objection to the continued use of the site for its present purpose.

9. In reaching the conclusion that the use of the appeal site for the storage of pallets and the parking of vehicles associated therewith should not be permitted, I have given very careful consideration to the past history of the site and to the fact that it is unlikely to be suitable for any form of agricultural cultivation. I have also taken into account the advice in all the relevant circulars, particularly the most recent Circular 2/86 in regard to the encouragement and development of small businesses, but none of these considerations outweigh the importance of protecting this part of the green belt against the harm which the extension of further commercial uses would cause and of avoiding hazards to road safety.

10. Although not pleaded, ground (h) has been considered and, bearing in mind the difficulties which your client has experienced in finding suitable accommodation, I propose to extend the period for compliance with the notice to 6 months to give him more time in which to find another site or to make alternative arrangements for the continuation of this small business which employs 5 persons.

11. I have taken into account all the other matters raised, including the views of those local residents and others who do not object to the present use of the site, but they are not of sufficient weight to affect the considerations which have led to my decision.


FORMAL DECISION

12. For the above reasons, and in exercise of the powers transferred to me, I hereby direct that the enforcement notice be varied by the deletion of the word 'two' in the paragraph beginning 'NOTICE IS HEREBY GIVEN' and the substitution therefor of the word 'six'. Subject thereto, I uphold the notice, dismiss the appeal and, on the application deemed to have been made under Section 88B(3) of the 1971 Act as amended by the Act of 1981, refuse to grant planning permission for the development to which the notice relates.

RIGHT OF APPEAL AGAINST DECISION

13. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Gentlemen
Your obedient Servant


E W LAWRENCE CBE FRICS
Inspector

ENC