



Department of the Environment and
Department of Transport
Common Services
Room 1319 Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321

Direct line 0272-218875
Switchboard 0272-218811

DEPARTMENT OF THE ENVIRONMENT DEPARTMENT OF TRANSPORT COMMON SERVICES			
Ref.			
C.P.O.		Ack.	
		Admin.	File
16 SEP 1982			
Receive 875			
Comments			

J Rouse Esq
Messrs Rochin Services
15 Beaconsfield Road
TRING
Herts
HP23 4DP

CHIEF EXECUTIVE

16 SEP 1982

File of

Refer to

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Your reference

Our reference

T/APP/5252/A/82/05477/G7

Date

14 SEP 1982

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0148/82

- I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the change of use of the dairy depot, Icknield Way, Tring to light industrial. I have considered the written representations made by you and by the council, and also those made by interested persons and by Tring Town Council. I inspected the site on 10 August 1982.
- From my inspection of the site and its surroundings, and from the representations made, I am of the opinion that the main issues in this case are, first, whether or not the proposed development would be seriously detrimental to the amenities of neighbouring residents; second, whether or not it would cause serious traffic hazards; and third, whether or not in all the circumstances the rejection of this application is justified on green belt grounds.
- The appeal site is 0.094 of an acre of land on the north side of Icknield Way, Tring. It is largely covered by a single-storey building, but on the frontage there is an open area which provides for access and parking of about 6 cars. For many years the site has been used as a Unigate Dairy depot. To the east are 2 cottages, to the north and west is open land, while to the south on the other side of Icknield Way are a garage and an industrial estate.
- In the Hertfordshire County Structure Plan and the Dacorum District Plan the site is shown within an extension to the Metropolitan Green Belt. The green belt boundary appears to run along Icknield Way on the southern frontage of the site.
- On the first main issue: it is apparent from the representations made that the previous use as a dairy depot has been detrimental to the amenities of local residents because of the constant comings and goings of vehicles at unsocial hours 7 days a week and of the congestion of vehicles around the site. The adjoining householder is convinced that the use now proposed would be an improvement in that respect. I tend to support that view and consider that your proposal would not be seriously detrimental to the residential amenities of the neighbouring dwellings provided that conditions were imposed limiting working hours and restricting all work to within the building, and provided also that the level of noise created was not objectionable as is required for a light industrial building within the terms of the Town and Country Planning (Use Classes) Order 1972.
- On the second main issue: a number of photographs were put before me showing the on-street parking and traffic congestion caused by the present use of the site. I am in no doubt that the use now proposed would be far less objectionable from a traffic point of view and that it would not be likely to cause serious traffic hazards.

7. On the third main issue: if this were an application for the erection of a new building on the site, there is no doubt that it would be unacceptable within the green belt. However, this building already exists, has been in use for very many years, and there appears to be little, if any, chance that the County Council would demolish it and restore the land to agricultural use. In these circumstances, the concensus of local opinion, including the Town Council, is that the proposed use is preferable to allowing the building to remain unused and possibly become derelict and I support this view. I must also take account of Circular 22 of 1980, which gives general support for the grant of planning permission for small-scale industrial activities in redundant buildings in rural areas unless specific objections can be proved. I am not satisfied that convincing objections exist in this case and consider that in all the circumstances the rejection of this application is not justified on green belt grounds.

8. I have taken account of all the other matters raised in the written representations, but am of the opinion that they do not outweigh the considerations which have led to my decision.

9. For the above reasons, and in exercise of powers transferred to me, I hereby allow your appeal and grant planning permission for the change of use of the dairy depot, Icknield Way, Tring to light industrial in accordance with the terms of the application (No 4/0148/82) dated 9 February 1982 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall from the date of this letter be begun not later than 5 years.

2. The building shall only be used as a light industrial building within the meaning of Class III of the schedule to the Town and Country Planning (Use Classes) Order 1972.

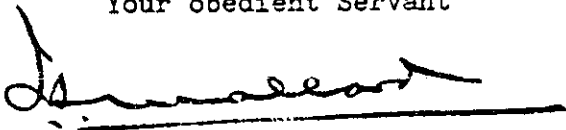
3. Work on the premises shall be restricted to between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays. There shall be no work on Sundays or public holidays.

4. All work shall be carried out within the existing building.

10. The developer's attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



J.H. MALLARD TD MBIM
Inspector

ENC

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To J Rouse Rochin Services 15 Beaconsfield Road Tring Herts

Flatt & Mead Commercial 11 Marlowes Hemel Hempstead Herts

Change of use to light industry at The Dairy, Icknield way, 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 9 February 1982 and received with sufficient particulars on 10 February 1982 and shown on the plan(s) accompanying such application.

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

- 1. 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.
2. The proposed development would have a seriously detrimental effect on amenities and privacy at present enjoyed by occupants of adjacent dwellings.
3. The proposed parking area would be detrimental to visual amenity and would be a potential hazard to road users on the adjacent highway.

Dated 18 day of March 19 82.

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.