



Planning Inspectorate
Department of the Environment

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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL							
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Date: 5 APR 89							

CHIEF EXECUTIVE OFFICER	
7 APR 1989	
File No.
Refer to 1/4
Cleared

J E Washington
 Mill House
 Mill Lane
 Greenfield
 Bedford
 MK45 5DF

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY J W WARD AND SON
APPLICATION NO:- 4/0174/88

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the enclosure and refurbishment of a former timber drying shed at Bourne End Mills, Bourne End Lane, Bourne End. I have considered the written representations made by you, the Council and by interested persons. I inspected the site on 20 February 1989.
- At my site visit, I noted that the development had already been carried out and since that time you have confirmed that the refurbishment has been fully completed. Therefore I intend to deal with this appeal as a proposal to retain the refurbished building in its present state.
- Having considered the written representations received and visited the site and surrounding area, I consider the main issue in this appeal to be whether the proposed development would lead to significant harm to conditions of road safety or to the amenities of nearby residents.
- The appeal site is located within an existing industrial estate with the sole vehicular access being from the A41, via Bourne End Lane. The latter highway is, in parts, narrow and with residential buildings on both side of the road, and often situated close to the highway. In the correspondence received from the Council, they accept that the appeal building has an industrial use and that they are not opposed to the refurbishment in principle, but that such work would intensify industrial activity, causing additional hazards to road safety in Bourne End Lane. Therefore, they consider the proposals should not be accepted until an improved new highway link is made between the industrial estate and the proposed A41 bypass. They also confirm that despite a condition attached to an earlier planning permission requiring the removal of this building, enforcement action cannot now be taken and the building is able to remain in industrial use.
- Prior to the present use and construction, the appeal property consisted of a single open sided timber drying shed and measures about 36.5 metres long by 10.6 metres wide and having an area of about 386.9 square metres. The appeal building has now been enclosed with brick and steel cladding, with windows and a steel roller shutter door. It is occupied by a company that manufacture office furniture with bulk deliveries carried out once a month and finished goods delivered to customers by van and estate car. The tenant had previously

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occupied other premises on the estate, but has now consolidated activities within this building; in the representations, it is said that it was not intended to increase the number of employees when moving to the appeal premises.

6. In view of the narrow width of Bourne End Lane and the proximity of the existing dwellings to that highway, I can well understand the Council's concern to resist any further increase in traffic to the industrial estate. However, there are already a considerable number of vehicles using this highway and until an alternative means of access is constructed, the tenants of any of the units on the estate have a right to use Bourne End Lane.

7. The Council accept that the appeal building prior to its present use was an industrial building, albeit one with open sides. Therefore, it could have been used for an industrial purpose, involving increased vehicular activity, without the need to obtain planning permission. Even if the original use were to be continued, an activity associated with the timber trade may well involve more vehicles using the existing highway than the present use. It seems to me that given the permitted use of the building, there is little evidence to show that the refurbishment of this building would inevitably lead to the increased vehicular use of Bourne End Lane. In such circumstances, I am not satisfied that there are sufficient reasons to outweigh the usual presumption in favour of new development.

8. Furthermore, the present tenants were already occupying other premises on the estate and have only limited numbers of staff and delivery vehicles using the highway for access. In view of the size of this building when compared to other existing industrial buildings in the vicinity, it is unlikely that the present tenants or use would generate a significant increase in the number of vehicles using Bourne End Lane. I do not therefore consider that the proposal would cause significant harm to conditions of road safety or to the amenities of residents in the area.

9. I have taken into account all other matters raised in the written representations, but none was sufficient to outweigh the considerations which led to my decision.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby ~~allow~~ this appeal and grant planning permission for the enclosure and refurbishment of a former timber drying shed at Bourne End Mills, Bourne End Lane, Bourne End in accordance with the terms of the application [No 4/0174/88] dated 1 February 1988 and the plans submitted therewith.

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



D.G.Hollis BA DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

MR



DACORUM BOROUGH COUNCIL

To Messrs J W Ward & Son
Bourne End Mills
Hemel Hempstead
Herts

	Enclosure of Former Timber Drying Shed
at	Bourne End Mills, Bourne End Lane, Bourne End, 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 1.2.88 and received with sufficient particulars on 2.2.88 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 increased traffic likely to be generated by the proposed development would be a potential hazard on adjacent highways which because of inadequate width and construction are unsuitable for such additional traffic.
2. The intensification of industrial use caused by the enclosure of an open shed would result in an undesirable increase in traffic generation and vehicle movements on Bourne End Lane which would be detrimental to the amenity of residential properties fronting this highway.

Dated 7th day of April 1988.

Signed *Wm Barnard*

Chief Planning Officer

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.