

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other  
Ref. No.

THE DISTRICT COUNCIL OF .....  
XIN THE COUNTY OF HERTFORD .....

To Mr. B. Francis  
Poulter & Francis  
57 Marlowes  
Hemel Hempstead

Change of use of first floor and second floor and part of  
ground floor from residential to offices  
at 109, High Street, 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 20th February 1979 and received with sufficient particulars on 21st February 1979 and shown on the plan(s) accompanying such application.

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

- (1) Policy 6 of the submitted County Structure Plan states that office development will be restricted to existing commitments for office development at 1 January 1976 and the application premises are not so committed. Moreover, the development proposed will result in the loss of residential accommodation which is considered capable of continued residential use and is thus in conflict with a further provision of the office policy in both the submitted County Structure Plan and Hertfordshire 1981.
- (2) The proposed office use is in conflict with the provisions of the approved Development Plan and Hertfordshire 1981 in which the site is included in an area allocated primarily for residential purposes with the street frontage allocated to shopping use.

Dated 22nd day of May 1979.

Signed *[Signature]*  
Designation County Secretary

## 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.

NT/P  
D/51/5.12



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CHIEF EXECUTIVE

17 JAN 1980

DTS

*Handwritten:* 2 team 1 note include report for P.C.C. 7/2/80

TECHNICAL SERVICES	
PLANNING SECTION	
<i>[Signature]</i>	21 JAN 1980
FILE No.	000596
	DATE

Messrs Wainwright and Stevens  
Solicitors  
29 High Street  
HEMEL HEMPSTEAD  
Hertfordshire

Your reference

Our reference T/APP/5252/A/79/8166  
8167

Date 15 JAN 1980

8168/96

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR K M PLAW  
APPLICATION NOS: 4/229-79, 4/230-79 AND 4/231-79

1. I refer to these appeals which I have been appointed to determine, against the decisions of the Hertfordshire County Council to refuse planning permission for 1. the change of use of whole of first and second floors and part of ground floor from residential to offices, 2. the change of use of first floor and second floor and part of ground floor from residential to offices and, 3. the change of use of part of first floor and whole of second floor from residential to offices at 109 High Street, Hemel Hempstead. I held a local inquiry into the appeals on 27 and 28 November 1979.

2. From my inspection of the appeal site and its surroundings and from the representations made, I am of the opinion that the main issues in this case are, first, whether the provisions of Policy 6 of the County Structure Plan, as submitted, should be maintained in respect of the appeal premises, second, whether the proposed office development would result in an unacceptable loss of residential accommodation and, third, whether the proposed office use would conflict to an unacceptable degree with the shopping allocation contained in the approved Development Plan and "Hertfordshire 1981".

3. The appeal premises, which comprise a ground floor, first floor, second floor and basement, are situated at the fringe of the main built-up area in an older part of High Street, about 1/2 mile north of Hemel Hempstead town centre at Marlowes. They occupy a corner position at the junction of High Street and Cherry Bounce. The appeal premises together with a 2 storey building immediately to the north and a 3 storey building at 111 High Street, present a notable parapet wall facade of 18th century appearance to High Street, including a broken line of 3 cornices. The rear boundary of the appeal premises is adjoined by the curtilage of a newly constructed 4 bedroom house and a garage with access from Cherry Bounce. The appeal premises are accessible at a shop door on High Street. A garden space of some 2200 sq ft at the rear of the shop, which ascends to the east, is accessible from double gates on Cherry Bounce.

4. The existing 3 storey premises at 109 High Street include, (1) a basement comprising a main compartment of about 660 sq ft and an adjoining compartment of some 200 sq ft, both of which are used for the storage of basketry products, together with a boiler room on the north-east, (2) a ground floor consisting of a basketry shop of about 660 sq ft with a central entrance on High Street and 5 rear compartments which are

all used for the storage of basketry products, (3) a first floor comprising a first bedroom occupying about 150 sq ft, a second bedroom of some 115 sq ft, a third bedroom of about 150 sq ft, a music room occupying about 200 sq ft, a television lounge of some 170 sq ft and a bathroom and, (4) a second floor comprising 2 playrooms of about 130 sq ft and 120 sq ft, respectively. The adjoining 2 storey premises immediately to the north, which do not form part of the appeal premises, were not accessible during the site inspection.

5. The existing development in the area includes a renovated end house on the south-western side of High Street at No 108 together with a ribbon of notable 2 and 3 storey buildings of 18th century appearance which extend at lower level towards the town centre, including several dwellings, an antique shop, a vacant shop front and a restaurant. Opposite the appeal premises, the south eastern side of Cherry Bounce is fronted by 2 renovated older dwellings at Royal Oak Cottage and Oak House. South of Cherry Bounce, the north-eastern side of High Street is fronted by older buildings, including a solicitors office at No 107, 2 antique shops and a motor cycle shop. Opposite the appeal premises, Cherry Bounce diminishes from a carriageway about 11 ft wide and footpaths some 4 ft and 6 ft wide to a footpath about 6 ft wide which ascends towards a modern housing development on the east.

6. It was stated on behalf of your client that, in the case of the third planning application under appeal, the word "Part" in line 1 of the answer to Question 3 on the planning application form should read "Whole". The planning permission which was desired, however, was that in respect of Planning Application 4/229-79.

7. The appeal premises, which are Listed Grade 2 (Starred), are owned and occupied by your client for the purpose of a shop specialising in the retailing of basketry, cane, reed and rushwear of all descriptions. The main storage facilities are in the cellar. The trade carried on includes the supply of basketry materials to schools and societies for the handicapped. The basketry shop had been in existence for many years, having previously been run by a Miss Salter for most of her working life. When your client purchased the appeal premises in 1973, he was obliged to allow Miss Salter to use the upper part of the premises as a flat during the period of her lifetime, rent free, and not to change the use during her lifetime without her permission. By reason of her age and infirmity, Miss Salter left the flat in 1977 to live in a nursing home. Since that time, your client had negotiated a release of the restrictions from Miss Salter (Document 20).

8. Throughout the period of his ownership, your client had spent about £25,000 on the repair, maintenance and improvement of the appeal premises and a further £25,000 on internal decoration, carpeting, curtains and landscaping (Document 15). Because of this expense and the likely cost of future maintenance, he had submitted a planning application in 1978 for a change of use of the ground, first and second floors from residential to office accommodation. At the same time, he had obtained planning permission for the recently completed 4 bedroom house at the rear of the appeal premises and for an alteration by converting part of the residential and storage area immediately to the north of the appeal premises into a separate residential unit. The planning application for the change of use for the remainder of the appeal premises, apart from the shop, was refused on 20 April 1978 and, after an appeal, on 4 October 1978 (Document 8). With regard to the present appeals, your client proposes to let the appeal premises, except for the shop, to Messrs Wainwright and Stevens, Solicitors, of 29 High Street, and the terms of lease had been agreed in principle.

9. In 1977, your client had inherited a house at Codicote, near Stevenage. As a result of the domestic difficulties which had arisen from living over the shop, he subsequently moved to Codicote with his family. Since your client and his

family are no longer resident at 109 High Street, it would be uneconomic for him to let the appeal premises for residential purposes because of the restrictions imposed under the Rent Acts. Moreover, it was not possible to obtain an adequate return on his investment in the property, which is estimated at £1,000 per year. The appeal premises would not be very saleable as a residential unit because the shop would have to be physically separated from the living accommodation and fire proofing would be required. From time to time, your client had attempted to sell the residential part of the appeal premises and the appeal premises as a whole, with a lease back of the shop, but no buyers had been found.

10. The original Hertfordshire County Development Plan, which was approved in 1958, excluded the designated area of Hemel Hempstead New Town, including High Street. The Master Plan produced by the Hemel Hempstead Development Corporation in August 1960 (Plan G) did not indicate any land use allocations in the High Street area for the reason that it was already developed. The First Review of the County Development Plan (Plan F), which was approved in May 1971, showed the appeal premises to be within an area allocated primarily for residential use, with a shopping frontage. During 1972, the County Council produced a non-statutory planning policy called "Hertfordshire 1981" (Document 24), which was intended to serve as a reference for the purposes of development control up to the time when the Hertfordshire Structure Plan would be approved by the Secretary of State. The Plan for Hemel Hempstead which was prepared under the provisions of paragraph 5.1 of "Hertfordshire 1981" showed, first, the whole of the western frontage of the northern half of High Street for shopping purposes and, second, the entire eastern frontage as residential with shopping frontage.

11. During 1974, a document called the "Hemel Hempstead Town Centre Study 1974" (Document 26) was produced for the purposes of public discussion. Paragraph 3.2.10 of the Study identified the Baconsthorpe area between Marlowes and Alexandra Road as a town centre site suitable for shop and office use. Paragraph 3.4.1 indicated that a revitalisation of High Street could be achieved by improvements related to traffic, access, parking and servicing. The "Hemel Hempstead Town Centre Policy and Plan 1975" (Document 25) was subsequently adopted by the County Council and District Council as a guide for the development of the town centre up to 1981, including High Street. This document envisaged the provision of 40,000 sq ft of new retail shopping floor space and between 30,000 and 40,000 sq ft of office development. The Hertfordshire County Structure Plan (Document 21), which was submitted in April 1976, was approved by the Secretary of State on 21 September 1979, subject to Modifications. The Plan came into force on 15 October 1979.

12. Policy 6 of the submitted Structure Plan formed the main reason for the refusal of the proposals now under appeal. This Policy, however, had been deleted by a Modification imposed by the Secretary of State (Documents 7 and 22). The old Policy 6 had stated that proposals for changes of use to offices in historic or listed buildings would only be permitted, subject to certain conditions, where the proposal ensures the continued life of the building and the property is incapable of some other beneficial use. Under the new Policy 6, this had been changed to include properties which are not reasonably capable of some other beneficial use. Furthermore, the reference in the old Policy 6 and in the first reason for refusal to existing commitments to office development at 1 January 1976 had been entirely deleted.

13. The Secretary of State had also introduced Policy 6A which states that the scale of provision for each policy area for purposes which would generate employment will be in accordance with the Tables headed "Control levels - Employment (Labour Supply)" in Part 3 of this Statement, the figures there shown being taken to mean "number of jobs to be provided for". The relevant table, which is to be found on page 74 of the County Structure Plan, indicated that the number of people in employment in the area of the Dacorum District Council was 51,300 in 1976 and would be 53,800 in 1981. This is an increase of 2,500 over the 5 year period as compared with the total of 2,800 for the preceding 5 years.

14. The Dacorum District Plan, published in October 1979, is a local plan draft document intended as a basis for discussion (Document 27). Paragraph 3.11 of the Plan indicates that the cost of maintaining an historic building is often beyond the means of the owner and that consideration will be given to new uses for listed buildings, having regard to the advice which is contained in Department of Environment Circular 23/77. Paragraph 3.18 indicates that encouragement will be given to the preservation, maintenance and good repair of buildings of individual merit or of group value and that the demolition and redevelopment of such buildings will be discouraged unless the District Council is satisfied that the buildings cannot reasonably be retained for their existing or other suitable uses. Page 242 of the Technical Report of the Dacorum District Plan states that the cost of maintaining an historic building is often beyond the resources of the owners and that it may be sensible to ignore restrictions on change of use in order to retain the structure (Document 27).

15. Prior to the development of Hemel Hempstead New Town, High Street was the principal shopping area. Following the construction of the new town centre along Marlowes, most of the multiple traders and many other retail traders moved there. The policy at that time of keeping High Street alive as a secondary or specialist shopping area had the effect of attracting local traders who had been displaced by the new Marlowes development. Many of the buildings in High Street are very old and the street scene is comprised of various retail shops, most of which have specialist trades, together with offices and dwellings. There is an unusually high proportion of vacant upper storey accommodation. A number of public houses had been closed and some were turned into offices, such as 29 and 107 High Street. In other cases, shops were closed and then incorporated with living accommodation. This kind of change had occurred along the south-western side of the northern half of High Street which, as recently as 1972, was zoned for shopping use in "Hertfordshire 1981". There are now only 9 shops in this entire frontage.

16. About 16 of the 53 shops in High Street now have upper floors in use for living accommodation. In all other cases, the upper floors have either been put to commercial use or left derelict. The accommodation above 17 shops is in use as offices. As Hemel Hempstead has grown, there has been an increasing demand for smaller units of office accommodation. This has not been satisfied, however, by the erection of new office blocks, which do not provide the kind of accommodation required by many small and professional businesses. Of the 10 firms of Solicitors now practising in Hemel Hempstead, only 2 firms have accommodation in a purpose built office block. The remaining 8 firms occupy premises which have been converted from some other use. On the information which had been gathered from all estate agents established in the town, it was clear that, on Monday and Tuesday, 19 and 20 November 1979, only one small office suite of 3 rooms at 69 Marlowes was available to let.

17. The planning history of the appeal premises is contained in Document 16. The appeal which was lodged against the refusal of planning application 4/286/78 was dealt with by written representations. The appeal was dismissed on 4 October 1978 (Document 8). In his decision, the Inspector conceded that the erection of the proposed new house behind the appeal premises could be held to balance out the loss of a residential unit, that Messrs Wainwright and Stevens were appropriate users within the Council's criteria and that economic considerations were relevant. Nevertheless, he dismissed the appeal because the appeal premises were not included in the existing commitment to office development. This commitment was a direct reference to Policy 6 in the submitted Structure Plan. Policy 6, however, had been overtaken by the amended Policy 6 which had been entered by the Secretary of State. Accordingly, it would be quite wrong to use the appeal decision as a precedent for

the proposed change of use now under appeal. The proposals would not entail any external structural alterations or any detracton from the character of High Street.

18. Mr L A Wainwright, Solicitor, stated that he practises from ground floor premises at 29 High Street, Hemel Hempstead in partnership under the name of Wainwright and Stevens. The practice had been opened in April 1972 at 29 High Street, which he had leased from the New Towns Commission, with 2 rooms, a reception area and a kitchen with the use of a basement. Because of the growth of the practice, he had to take on additional staff. Arising from a general shortage of space, he endeavoured to acquire additional accommodation. Eventually, he obtained part of the second floor of 57A High Street and, ultimately, the whole of the second floor. Accordingly, the staff of 2 partners, an assistant solicitor, 2 articled clerks, one legal clerk, 4 full time secretarial staff and 2 part time receptionists are split between 2 buildings, which are about 90 yards apart.

19. The existing space cannot be used to the best advantage and it is necessary for the 2 partners to share a room with an articled clerk and a consultant, respectively. Moreover, files, deeds and papers have to be transported between the 2 offices. The appeal premises would provide adequate accommodation under one roof for the practice if Application No 4/229-79 were to be granted and there would be some room for future expansion. In the case of a general family practice, it was quite usual for a solicitor's office to be situated either in or adjacent to a shopping area where people would congregate. Two firms occupying the upper floors of 29 High Street were short of space and both firms had registered an interest in taking over his office should the first appeal be allowed.

20. It was stated that the Hemel Hempstead High Street Association, which has a membership of 50, supported the 3 planning applications under appeal. It was no longer an economic proposition to use the upper parts of buildings in High Street for residential purposes and, as a result, many remain empty at first floor level and above and this added to the appearance of decay in certain places. By permitting the upper parts of such buildings to be used for offices, the County Council would enable owners to obtain sufficient rental income to meet the increasing costs of maintenance and so preserve the character and appearance of the High Street Conservation Area. Furthermore, by allowing the upper parts of buildings to be used for office purposes, there could be a greater movement of people which would be bound to improve the prosperity of the existing shops.

21. The County Council stated that the Hertfordshire County Development Plan (First Review), which was approved in May 1971 (Plan F), shows the appeal premises to be within an area allocated for primarily residential purposes with shopping frontage only. This situation remains unchanged in the non-statutory policy statement "Hertfordshire 1981" (Document 21) which had been adopted by the County Council in September 1972 and accepted by the Secretary of State as an informal interim local plan within the terms of paragraph 7 of Department of the Environment Circular 102/72 (Document 14). The appeal premises are situated within the area covered by the Hemel Hempstead Town Centre Policy and Plan 1975 (Document 25) which had been adopted by Dacorum District Council and Hertfordshire County Council as a guide for the future planning of the town centre area. So far as the appeal premises are concerned, no changes in land use are proposed in this document. The County Structure Plan (Document 21), which was submitted to the Secretary of State in April 1976, was approved on 21 September 1979 and came into operation on 15 October 1979.

22. The first reason for refusal in the planning decision under appeal was based on the submitted Structure Plan. While the Modifications proposed by the Secretary of State were known at the time of the decision, they were not then finally confirmed. Accordingly, the Modifications were disregarded. In this context, it must be noted

that the first part of the first reason for refusal refers to the fact that the premises are not "committed" for office development. The policy as now approved, however, makes no reference to commitments. This aspect of the reason for refusal cannot be ignored. Policy 6A of the approved Structure Plan states that the scale of provision for each policy area for purposes which would generate employment will be in accordance with the Tables headed "Control Levels - Employment (Labour Supply)" in part 3 of the Statement, the figures there shown being taken to mean "number of jobs to be provided for". In introducing the Policy, the Secretary of State had stated that previous decisions on a development plan should not be treated as inescapable commitments. This must be interpreted as decisions based on land allocations in the approved County Development Plan and "Hertfordshire 1981".

23. A further definition of "commitments" is "planning permissions, including appeal decisions, for building or land use as at 1 January 1976". Some of those planning permissions will have been taken up and some will have lapsed. Since January 1976, which is the base date for further commitments set out in the Structure Plan, further permissions have been granted for employment generating activities and the resultant jobs must be offset against the Control Levels in Part 3 of the Plan. This aspect of "commitments" is relevant to the proposals now under appeal. The Control Levels - Employment (Labour Supply) as set out in the approved Structure Plan for the West Hertfordshire Policy Area, which equates with Dacorum District, are as follows:

1971	-	48,500
1976	-	51,300
1981	-	53,800
1986	-	55,400
1991	-	55,300

The approved County Development Plan (Document 23) contains the statement that applications will be dealt with on their merits having regard to local needs for employment and in the light of government policy. "Hertfordshire 1981" states in paragraph 4.4.1 that the rapid growth in offices in the County has led to the need for a much tighter control of office employment. The amount of office floorspace approved in the County between 1967 and 1972 was approximately 3.5 million sq ft and far exceeds the figure of 2.7 million sq ft for the previous 5 years, despite the introduction of Office Development Permit Controls in 1964. The situation indicated the need for a much closer control on the rate of office development to ensure that demand did not exceed the likely labour supply which in turn would create excessive pressures for housing.

25. During the periods 1976 - 1981 and 1981 - 1986, which together form the period of the District Plan, the increase in labour supply can be seen to be 2500 and 1600, respectively, an average of 500 persons per year for the first 5 years and 320 persons per year in the latter 5 year period. These Control Levels are to be refined as an indirect result of the approval of the Structure Plan, bearing in mind that the Secretary of State had defined the Control Levels as the "number of jobs to be provided for". In paragraph 4.7 of his covering letter dated 21 September 1979 (Document 5), the Secretary of State had pointed out that it is the function of a structure plan to indicate the scale and general location of provision for purposes which would generate employment as a basis for the preparation of local plans which will determine the land allocations. The letter goes on to say that this scale and general location of provision should most appropriately be related to the level of employment estimated to result in each policy area from the policies described in the plan.

26. Hence, until such time as the refinement of the Control Levels has been carried out in accordance with the Secretary of State's direction to apportion the number of jobs between offices and industry, it is necessary to use the present figures in the preparation of local plans and as a basis for development control purposes. An analysis of the planning permissions granted for employment generating activities in the West Hertfordshire Policy Area during the 3 full April to March years since



the submission of the County Structure Plan in April 1976 reveal the following information:

TABLE 1

Employment generated by Permissions for the Use of Land or Premises for:

<u>Period</u>	<u>Manufacturing</u>	<u>Primary Offices</u>	<u>Warehouses</u>	<u>Shopping</u>	<u>Total</u>
April 76 - Mar 77	274 (36%)	106 (14%)	353 (47%)	25 (3%)	758
April 77 - Mar 78	347 (27%)	133 (10%)	569 (44%)	242 (19%)	1291
April 78 - Mar 79	828 (78%)	128 (12%)	67 (6%)	35 (4%)	1058
<b>Totals:</b>	<b>1449 (46%)</b>	<b>367 (12%)</b>	<b>989 (32%)</b>	<b>302 (10%)</b>	<b>3107</b>

27. It can be clearly seen from Table 1 that a total of 3107 jobs could be provided for as a result of permissions granted up to March 1979. This is materially in excess of the Control Level figure of 2500 until 1981 and takes no account of variations in employment patterns within existing premises. The grant of further permissions, such as the proposals under appeal, would exacerbate an already serious situation in the County where local planning authorities are endeavouring to restrain growth in accordance with the regional strategy. Even in a situation where the intending occupiers of additional office premises are known to be firms which serve the local community, there is no control available to the planning authorities over the subsequent occupation of vacated premises, which can be taken up by any firm.

28. The policy which was evolved as a result of this need is contained in paragraph 4.4.2 of "Hertfordshire 1981". It states that permission for new offices, extensions and changes of use will, save in exceptional circumstances, be limited to offices in the following categories:-

- a. Offices serving the local community
- b. Offices required as essential ancillaries to industry already established in the area.

In relation to conversion and changes of use, the policy states that, as a general rule, the conversion of existing residential premises to office use will not be permitted where the property is capable of continued residential use.

29. The Hemel Hempstead Town Centre Policy and Plan 1975 (Document 25) is based on the Town Centre Study 1974 (Document 26), which was a report for public discussion. The 1974 document indicates existing land uses throughout the study area and the appeal premises are shown as residential. A further plan in that document indicates a number of suggested land use changes, none of which affect the appeal site. Although the 1975 Policy and Plan depict a number of land use changes, none of these affect the appeal premises. The statement concerning office development indicates that "new office developments in the town centre will be limited to those serving local needs and this will exclude other offices for the next 2 or 3 years. Provision will be limited to between 30,000 and 40,000 sq ft of floor space, subject to evolving Structure Plan policies". The 30,000 to 40,000 sq ft of floor space had already been exceeded and the 2 or 3 year period since 1975 had lapsed. No revision of the floor space or the time period had been undertaken because of the imminence of the Dacorum District Plan (Document 27)

which, after due public participation and formal adoption, will eventually supersede the Town Centre Policy and Plan 1975.

30. While the prospective occupant of the appeal premises is a firm of Solicitors occupying premises at 29 and 57 High Street, Hemel Hempstead, no evidence of "proven local demand" had been put forward to indicate why 109 High Street should be converted into office floorspace for that firm. Other premises were available which are already in office use. Furthermore it seemed inconsistent that the firm would be satisfied with any one of the 3 proposals comprising 2855, 1650 or 1690 sq ft for 10 employees. Although the appeal premises are situated within the town centre, they are not situated within the commercial area of the town, which is that area allocated for shopping and office use in the approved County Development Plan together with the buildings which front the eastern side of Marlowes as far north as its junction with Bury Road/Queen Street.

31. Should the upper floors of the building, together with part of the ground floor, be occupied for office purposes, there could be pressure for additional office floorspace on the ground floor as a reception and interview area. This would introduce a "dead frontage" similar to a bank or betting office into the shopping street to the detriment of the character of the area. Such a development would be particularly damaging to the character and appearance of the High Street which was the main shopping street before the new town centre along Marlowes was developed between the mid 1950's and 1960's, and which is now the central spine of the High Street Conservation Area. The introduction of non-retail uses could prove detrimental to High Street with its high proportion of listed buildings and shops of the specialist variety, as typified by the basketry shop at 109 High Street (Document 19).

32. On the first issue, I note that Policy 6 of the submitted Hertfordshire Structure Plan has been overtaken by a more flexible Policy 6 and by a Policy 6A, both of which have been introduced by the Secretary of State. I accept that, if all of the Permissions at Table 1 in paragraph 26 of the County Council's case were to be taken up, then the Control Levels at paragraph 3.1.4 of the approved Structure Plan for the year 1981 would be exceeded. No evidence was available at the inquiry, however, to show that all of the Permissions had been taken up or that some Permissions could lapse or that some firms had gone out of business or moved away since 1976. Additionally, it seems to me, the Control Levels referred to by the County Council are not targets to be achieved but merely an estimate of the number of people in employment for the broader purposes of land use planning.

33. I take the view that, on this issue, the County Council intervened on the basis of Policy 6 of the submitted Structure Plan and that, even if the former Policy 6 were still in force, the intended occupation of the appeal premises by Messrs Wainwright and Stevens, Solicitors, of 29 High Street would have fallen within the scope of Policy 6(i). Having regard also to the scale of the first planning application, I consider that it would have been unreasonable to compel the existing family practice to continue its occupation of 2 premises, which are some 90 yards apart, on the ground that the local planning authority is endeavouring to restrain the growth of employment in accordance with the regional strategy. Furthermore, I consider that it would be unrealistic to suppose that the floorspace of the existing premises occupied by Messrs Wainwright and Stevens, which I saw during the site inspection is about 2000 sq ft, could, if occupied by other local office users, affect the regional strategy to any harmful degree.

34. Concerning the second issue, I note that paragraph 4.4.2 of "Hertfordshire 1981" refers to the general rule that the conversion of existing residential premises to office use will not be permitted where the property is capable of continued residential use. No evidence was produced at the inquiry, however, to show that there was any significant shortage of housing accommodation in the area of Dacorum

District Council or that it was essential to maintain the existing number of dwellings in this part of High Street. In this context, I saw during the site inspection that the new dwelling at the rear of the appeal premises is nearly ready for occupation and that the 2 dwellings known as Royal Oak Cottage and Oak House together with an adjoining Solicitor's office on High Street, all of which were the subject of planning permission No 4/0573/77LB for the conversion from Public House at Document 10, are already in occupation.

35. On the third issue, I note that your client intends to retain the existing basketry shop, that the existing cellar at No 109 provides adequate space for the storage of stock and that the proposals would not entail any external structural alterations. With this in mind, I am of the opinion that it would be unrealistic to assume that any of the 3 planning applications under appeal would lead to a "dead frontage" on High Street. Having regard also to the dwelling at Oak House on the corner of High Street and Cherry Bounce, the adjoining Solicitor's office to the south, the existence of planning permission No 4/581-78 and the external appearance of 111 High Street, I find it impossible to accept that any one of the proposals under appeal could be detrimental to the shopping allocation contained in the approved Development Plan, "Hertfordshire 1981", or the Town Centre Policy and Plan 1975. I have looked carefully at the references made on behalf of your client and of the County Council to the Dacorum District Plan. Bearing in mind that the Plan has not yet completed its public participation stage and that the County Council have yet to make their comments, I consider that it would be unwise to regard the Plan as a firm reference for the purposes of development control at this stage.

36. Concerning the Grade 2 Listing (Starred) of the appeal premises, to which particular attention was drawn at the inquiry, I note that the proposals were not unacceptable to the County Council on the grounds that they could be harmful to the character and appearance of No 109 High Street or the High Street Conservation Area. Nevertheless, having regard to the stated intention of your client to retain the existing shop, I consider that it would be desirable, in the public interest, to retain the existing High Street elevation of the appeal premises, which is of notable appearance and an essential part of the group of buildings comprised of Nos 103 to 111 (odd) and No 107A. In view of the lease which has been agreed in principle between your client and yourselves, I do not propose to reach any decision in respect of Application Nos 4/230-79 and 4/231-79. I have considered all the other matters raised in the representations but, in my opinion, they are not sufficient to outweigh the considerations which lead me to my decision.

37. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use of whole of first and second floors and part of ground floor from residential to offices at 109 High Street, Hemel Hempstead, in accordance with the terms of the application (Nos 4/229-79, 4/230-79 and 4/231-79) dated 20 February 1979 and the plans submitted therewith, subject to the following conditions:-

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter
2. this permission shall not be exercised by any firm other than Messrs Wainwright and Stevens, Solicitors, 29 High Street, Hemel Hempstead, Hertfordshire.

38. 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. Your attention is particularly drawn to the provisions of Section 277A of the Town and Country Planning Act 1971, (inserted into the Act

by the Town and Country Amenities Act 1974 which came into operation on 31 August 1974) which require consent to be obtained prior to the demolition of any buildings in a conservation area.

I am Gentlemen  
Your obedient Servant

*M Hyslop*

M HYSLOP CEng DipTP FIMunE MRTPI  
Inspector