



DEPARTMENT OF THE ENVIRONMENT

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CHIEF EXECUTIVE OFFICER
27 NOV 1986
File Ref.
927 Refer to CPD 27/11
Signed

1) MB
2) CB
3) J.P.
4) TRING

Messrs J Gower and Sons
The Paddock
Western Road
TRING
Herts
HP23 6BQ

PLANNING DEPARTMENT					
DACORUM DISTRICT COUNCIL					
Ref. 2		Our reference		Ack.	
C.P.O.	D.P.	T/C APP	B.C. 19	O/A/86/053917/P5	
			Date	Admin.	File
Received			27 NOV 1986	26 NOV 86	
Comments					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/0230/86

- I have been appointed by the Secretary of State for the Environment to determine your appeal. The appeal is against the decision of the Dacorum Borough Council to grant planning permission subject to conditions for the use of the first floor of building to offices at Queen Street, Tring.
- The condition in dispute is No 2 which provides that:
 - This permission shall not enure for the benefit of the land and the use hereby permitted shall cease when J Gower and Son cease to occupy the premises for these purposes.
- From my accompanied inspection of the site and surroundings on 13 October 1986, and from my consideration of the written representations made by you, the local planning authority and Tring Town Council, I am of the opinion that the decision in this appeal rests primarily on whether there is adequate off-street parking on the appeal site to serve an independent office use as well as your firm's use.
- The premises subject of the appeal are situated on the south western side of Queen Street a short distance from the junction with Western Road (formerly part of the A41 Trunk Road until the bypass was constructed), which with the High Street is the main street running through the small town of Tring. The area contains a mixture of residential and commercial land uses, and you have a yard and office connected with your furniture removal and coal business fronting on to Western Road a short distance away.
- The appeal premises were formerly a dwelling(s) known as Croftfield Villas, and include an attached stable/garage now used for storage on the south western side, as well as a 2 storey, modern building used as a repository, at the rear in what presumably was formerly the back garden. The area between the repository and the road has been hard-surfaced and provides some off-street parking as well as vehicular access to the repository.
- The circumstances surrounding the granting of permission for the use of the upper floor of the appeal premises as offices by your firm have not been fully explained to me, but I understand that the council

considered the change of use justified as the residential amenities of the accomodation were of too low a standard for continued use as a dwelling unit. However it is not clear whether you claimed at the time that your firm needed the office space for use in conjunction with the repository and the ground floor offices, which I understand you then occupied with existing user rights. In the event the council imposed the personal occupancy condition now subject of the appeal, as well as another condition requiring 4 parking space to be provided on the site at all times. The council considered the personal condition necessary as 2 of the parking spaces are in tandem and are thus not suitable for independent use of the rest of the parking and repository loading/unloading area.

7. Apparently all the offices on both floors are now occupied by one tenant leaving only the repository/storage areas still in your use and operated from the nearby yard. The offices on the first floor are some 42 Sqm in size and to meet the council's car parking standards 2 spaces are necessary. The total office area is some 103 Sq m requiring 4 spaces. There is sufficient space for 2 cars to be parked, one behind the other, on both sides of the yard while still leaving a sufficient gap for a furniture removal van to back in and load/unload at the main repository entrance (the access to the other storage area is direct from the street). However while a van is in the yard the 2 parking spaces furthest from the road could only be used if those nearest the road were vacant.

8. I understand the repository is only used for long-term storage of furniture, and thus the incidence of loading/unloading is infrequent. It could also be argued that if the 2 parking spaces nearest to the road were allocated for use in connection with the permitted offices on the first floor (there is apparently no planning control over the ground floor use), the council's parking standards could actually be met. In any event it seems to me that the independent use of the offices is not causing any significant congestion in Queen Street, and I do not consider it essential that the use of the offices to be restricted solely to your personal use in connection with the repository.

9. I have noted that an appeal was dismissed in respect of an office use requested at the property on the corner of Western Road and Queens Road, but in that instance there was no off-street parking available, and the use would thus have been likely to cause increased congestion in the street, whereas at the appeal site there are 4 parking spaces which must remain available at all times under the terms of Condition No 3 of the permission granted.

10. I have examined all the other points raised in the written representations, including those received after my Site Inspection, but there is nothing of sufficient substance to outweigh those considerations that have led me to my decision that permission should be granted for the removal of the condition in dispute.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and discharge condition No 2 from the planning permission reference No 4/0877/85 dated 5 September 1985 issued by the Dacorum Borough Council.

12. This letter does not convey any approval or consent which is required under any enactment, bye-law, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Genlemen
Your obedient Servant



J M DANIEL DFC FBIM
Inspector

**NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER**

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Messrs. J. Gower & Sons, Queen Street, Tring, Herts.

Continued use of first floor office without compliance with condition 2. of 4/0877/85 at Queen Street, 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 17 February 1986 and received with sufficient particulars on 19 February 1986 and shown on the plan(s) accompanying such application.

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

There is inadequate provision within the site for vehicle parking to meet the standards adopted by the local planning authority.

Dated 5 June 1986

Signed [Signature]

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.