

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Berkhamsted Tool Hire Limited,
9-11 High St.,
Berkhamsted,
Herts.

..... Compound and use of land for storage of liquid
..... petroleum gas
.....
at Land at New Lodge, Bank Mill Lane, Berkhamsted

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 undated and received with sufficient particulars on 22nd February, 1983 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 designated as Public Open Space on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) and 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 introduce an undesirable commercial activity to the detriment of the character of the area.

Dated 14th day of April, 19. 83..

Signed..... *W. B. Marshall*
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, 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.
- (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.

Department of the Environment and
Department of Transport

Common Services

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| PLANNING DACORUM DISTRICT COUNCIL | | TOWN AND COUNTRY PLANNING COUNCIL | |
| Ref. | Memo to Mr. [unclear] for copying to | | |
| G.P.C. 75 | D. [unclear] | Admin. | File |
| 15811 | | | |
| Received <i>H/W</i> 27 JAN 1984 | | | |



Berkhamstead Tool Hire Limited
9 High Street
BERKHAMSTED
Herts
HP4 2BX

Your reference
Comments

Our reference

T/APP/A1910/A/83/005737/PE1

Date

25 JAN 84

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/O242/83

1. I have been appointed by the Secretary of State to determine your appeal. The appeal is against the decision of the Dacorum District Council to refuse planning permission for the use of land for storage of liquid petroleum gas at New Lodge, Bank Mill Lane, Berkhamstead. The requested use is already taking place, and I will therefore treat the appeal as being for permission for it to continue under Section 32 of the Town and Country Planning Act 1971.

2. From my inspection of the site and surroundings on 14 November 1983, and from my consideration of the written representations made by you, the council and interested persons, I am of the opinion that the decision in this appeal rests first on whether the requested use is harmful to the character of the area, and second on whether the means of vehicular access are satisfactory.

3. The appeal site is a small area of land enclosed by a fence and gate, with an inner compound containing the gas cylinders, situated close to the side of the A41 Trunk Road on the south-eastern outskirts of Berkhamsted. The site is part of the land running with New Lodge, which is an agricultural/horticultural small-holding, although there are some rusting machinery, building materials and vehicles lying around.

4. In the approved County Development Plan the site is within an area designated as public open space, and in the approved Hertfordshire Structure Plan (1979) and the Dacorum District Plan (not yet finally approved although subject of public participation) it is shown as being in an extension to the green belt where the erection of buildings and changes of use will normally only be given in connection with agriculture or some other appropriate use of the land. In their statement the council do not give any indication that there is any intention of acquiring the land for public open space use, but I see no reason, pending the final approval of the green belt boundaries, for considering the area in which the site is located should not be afforded protection against further development not associated with agriculture or some other use appropriate in a green belt unless there is some special reason for making an exception.

5. I would not normally regard the use of land for the storage of liquid petroleum gas as a use suitable in an area being treated as green belt, but in this specific location the use is not, in my view, causing any significant harm to the appearance or character of the area, which has dwellings on all sides of the neck of land within the curtilage of New Lodge which contains the appeal site, especially in view of the

presence of other equipment and materials on the site, which are apparently accepted as part of the existing use of the land. Moreover I can appreciate your problems in finding a suitable alternative site for storage of the gases, which are an important part of your small business. Circular 22/80 advises that all possible encouragement should be given to such businesses, unless there is a clear cut reason for refusal, and in the circumstances I consider there are grounds for allowing the use to continue, at least for the present and on a personal basis, notwithstanding normal planning policies as I have little doubt that some of your customers would be inconvenienced if you could no longer supply their needs, bearing in mind that the council have not suggested a more suitable alternative site to meet your storage needs.

6. However I am of the view that under the present circumstances any traffic associated with the requested use is causing a road safety hazard as the visibility distance obtainable along Mill Bank Lane to the right of both accesses is seriously deficient. I appreciate that the amount of traffic generated by the use is small and that the accesses could probably be improved to an acceptable standard by agreement with the owner, but the land is not under your control, and I could therefore not impose a condition requiring this to be done if I granted permission. As such improvements would overcome my objection to this proposal, it is open to you to discuss the matter further with the owner and the council if you wish, but at present I consider it necessary to refuse permission.

7. I have examined all the other matters raised in the written representations, but there is nothing of sufficient substance to outweigh those considerations that have led me to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



J M DANIEL DFC FBIM
Inspector