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Your reference

Our reference

T/APP/A1910/A/83/CO5737/PE1

Date

26 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 Berkhamstead. 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

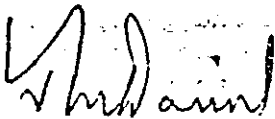
presence of other equipment and materials on the site, which are apparently accepted as part of the existing use of the land. Moreover I can appreciate your problems in finding a suitable alternative site for storage of the gases, which are an important part of your small business. Circular 22/80 advises 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