

Town Planning 4/0297/81
 Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
 Ref. No.

THE DISTRICT COUNCIL OF DACORUM
 IN THE COUNTY OF HERTFORD

To Messrs. Y. S. & D. F. Tsang,
 8 High Street,
 BOVINGDON,
 Herts.

Collett Design Associates Ltd.,
 69 Marlowes,
 HEMEL HEMPSTEAD,
 Herts.

Change of use from shop to shop for sale of hot
 food and erection of toilet
 8 High Street, Bovington.

at

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 permit the development proposed by you in your application dated 5th March, 1981, and received with sufficient particulars on 5th March, 1981, and shown on the plan(s) accompanying such application, subject to the following conditions:—

- (1) The development to which this permission relates shall be begun within a period of 5 years commencing on the date of this notice.
- (2) The shop shall not be open between 2200 hours and 0900 hours nor at any time on Sundays.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.
- (2) **In the interests of the general amenity of the area and to safeguard the environment of the occupants of adjacent dwellings in particular.**

Dated.....9th.....day of.....April,.....1981.....

Signed.....

Colin Barnes

Designation **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, Marsham Street, 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 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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.



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LPA ref 4/0297/81

 Messrs Ellis & Hancock
 60 Alexandra Road
 HEMEL HEMPSTEAD
 Herts
 HP2 4AQ

 Your reference
 JFH/T

Our reference

T/APP/5252/A/81/08566/G4

Date

 CHIEF EXECUTIVE
 17 SEP 1981

18 SEP 1981

Gentlemen

 TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEALS BY MR YANG SANG TSANG AND MR DENNY FOOK TSANG
 LAND AND BUILDINGS AT 8 HIGH STREET, BOVINGDON, HERTFORDSHIRE

1. I have been appointed to determine these appeals against the imposition of a condition restricting opening hours on the planning permission granted by Dacorum District Council on 9 April 1981 for change of use from shop to shop for sale of hot food and erection of toilet at the above-mentioned premises. I have considered the written representations made by you (including your letter of 1 September 1981) and by the council and also those made by other interested persons. I inspected the site on 26 August 1981.

2. It seems to me that the issue in this appeal is whether the condition against which your clients are appealing is necessary in order to safeguard the amenities of those who live nearby. 8 High Street, Bovington is one of a small parade of shops; immediately to the north-west there is a large garage. There is, however, a strong residential element in the area: there is residential accommodation over each of the shops in the parade, there are houses on the north-eastern side of High Street, immediately opposite the appeal site, and the long back garden of No. 8 borders on the back gardens of houses which front on to Chesham Road. Your clients' wish to operate their chinese food take-away premises until 11.00 pm on weekdays, and also between 6.00 pm and 11.00 pm on Sundays, is understandable, but the interests of those who live nearby must also be considered. It is clear from the letters sent in by some of them, and by the parish council, that there are strong local objections to the proposed increase in the permitted hours. I think these objections are justified. The sale of take-away hot food can easily lead to the frequent stopping and starting of motor vehicles, the slamming of car doors, loud conversation and general disturbance. In a partly residential area of a small community like Bovington, this would in my view be quite out of place late at night or on Sundays, when local residents can reasonably expect some peace and quiet. In my view the condition against which your clients are appealing is fully justified by the nature of the permission granted.

3. I have considered all the other matters raised in the representations, including the location of public houses and a fish and chip shop in relation to the appeal site, but these matters are not of sufficient weight to cause me to change my decision.

4. For the reasons given above, and in exercise of the powers transferred to me, I hereby dismiss your clients' appeals.

I am Gentlemen

Your obedient Servant

 A N MARSHALL MA(Oxon) Solicitor
 Inspector