

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM

THE DISTRICT COUNCIL OF

IN THE COUNTY OF HERTFORD

To

Country Cellars,
98/100 High Street,
Markyate,
Herts.

Change of use from residential to restaurant

at 100 High Street, Markyate, Herts.

Brief
description
and location
of proposed
development.

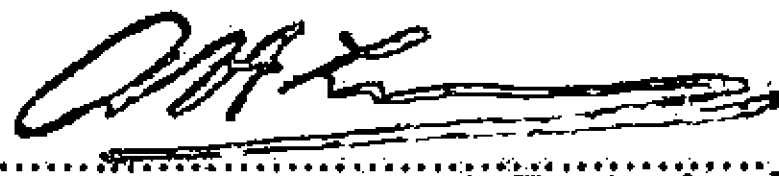
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 26th March 1977 and received with sufficient particulars on 30th March 1977 (complete 31.3.77.) and shown on the plan(s) accompanying such application.

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

By reason of lack of parking facilities and proximity to residential property the proposal is likely to be detrimental to the amenities of the area.

Dated 4th May 1977

Signed



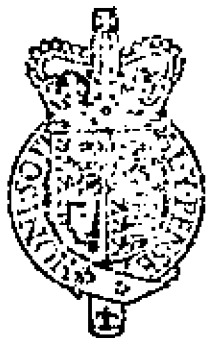
Director of Technical Services

Designation

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.

C/22/7.4



Department of the Environment

Room 13/20

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 870

Switchboard 0272-218811

ERA T.

Messrs Austin, Allen & Co
Solicitors
Drayton House
31 Rothesay Road
LUTON
Beds LU1 1QZ

1595/8

Your reference

SK/JH/KILLENGRAY

Our reference

T/APP/5252/A/77/10413/G6

Date

26 APR 1978

Gentlemen

No.	DATE

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY COUNTRY CELLARS
APPLICATION NO:- 4/0360/77

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the change of use from Shop/residential to restaurant of premises at 100 High Street, Markyate. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the premises on 5 April 1978.

2. I note that the application for planning permission, including the application plan, indicates a change of use to a snack bar and that your client's grounds of appeal specifies use as a cafe. I observed that the combined front and middle rooms of the ground floor at 100 High Street are in use as a small cafe/snack bar, with some 6 tables and a counter, and I propose therefore to treat this application as a continuation of such a use.

3. From my inspection of the appeal premises and the surrounding area, and the representations made, I am of the opinion that the determining issue is whether the continued use of 2 ground floor rooms at 100 High Street as a cafe/snack bar would have an unacceptably detrimental effect on the amenities of the locality.

4. The appeal premises, which on the first floor appear to form one residential unit amalgamated with No 98 High Street, are situated on the corner of High Street and William Street, with a Hair Stylist on the opposite corner. An industrial use occupies a considerable frontage on the other side of High Street, and other uses in the area are generally residential. I have noted the concern of the council lest any customer vehicular traffic associated with the proposed development should, when parked in the locality, have a detrimental effect on the predominantly residential character of this part of Markyate. Although streets in the area are not particularly wide, there appear to be no parking restrictions thereon, and traffic did not appear to be heavy. No 98 is a former shop, now disused, and there is no proposal to use this area in conjunction with the present use of the ground floor of No 100, for which there seems to be a certain amount of local support and which does not appear to generate any significant traffic. The restaurant use which was the subject of a planning application in 1968, withdrawn in 1969, seems to me to be a matter of a different order of magnitude and not comparable with your client's proposal. I do consider, however, that the present use should be confined to normal shop hours in order to protect the amenities of those occupants of nearby dwellings.

Mr Daby


1 R Hill
2 Team 2
Note & return for
Ctee Report May 2

5. I have considered all the other matters raised but in my opinion they are not strong enough to outweigh the considerations that have led me to my decision.

6. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the continued use of 2 ground floor rooms at 100 High Street, Markygate, as a cafe/snack bar in accordance with the terms of the application (No 4/0360/77) dated 26 March 1977 and the plans submitted therewith, subject to the condition that the hours of opening shall be not longer than 0830-1730 hours daily Monday to Saturday inclusive.

7. 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


A H GIBB MBIM
Inspector