

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

## DACORUM BOROUGH COUNCIL

To Barbrak Limited D. Morris  
Pix Farm Lane 22 Richard Street  
Hemel Hempstead Dunstable

Single storey extension

at Barbrak Limited, Pix Farm Lane, Hemel Hempstead

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 ..... 27th. March. 1985 ..... and received with sufficient particulars on ..... 28th. March. 1985 ..... and shown on the plan(s) accompanying such application.

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

The site is within the Metropolitan Green Belt on the County Structure Plan and Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use or extensions 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 development is unacceptable in the terms of this policy.

Dated 16th day of May 1985

Signed

*W. B. B. B. B.*

SEE NOTES OVERLEAF

P/D. 15

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.

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Mr D Morris  
22 Richard Street  
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Your reference				Our reference		Ack.	
T/APP/A19107A/85/036937/P3				T/APP/A19107A/85/036937/P3		T/APP/A19107A/85/036937/P3	
C.P.O.	D. Date	C.	C.	Admitt.			
Received				13 JAN 86			
Comments							

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 86 AND SCHEDULE 9  
APPEAL BY BARBRAK LIMITED  
APPLICATION NO: 4/0366/85

- As you know, I have been appointed by the Secretary of State for the Environment to determine the above appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a single-storey office extension at Barbrak Limited, Pix Farm Lane, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by other interested persons. I inspected the site on 18 November 1985.
- From what I have seen and read in the representations I have formed the opinion that the main issues in this case are whether there are any special circumstances sufficient to override the strong presumption against development in the Metropolitan Green Belt and the effect on the safe and convenient use of the surrounding roads; bearing in mind the prevailing planning policies.
- The appeal site occupies about 1.6 ha of fairly flat land between the Grand Union Canal and the London to Birmingham railway. There are 2 main buildings; offices attached to a larger warehouse and a separate workshop. The latter is not shown on the appeal site plan. The main buildings are surrounded by vehicle parking areas; cars use the tarmaced frontage to Pix Farm Lane with heavy construction equipment being stored on a concrete apron to the rear. Repair work seemed restricted to an area of land between the warehouse and the workshop which is well screened from public view by buildings and a brick wall. A substantial part of the site, which presumably could be used for the storage of heavy plant, was at the time of my visit vacant.
- The project lies within the Metropolitan Green Belt in the area covered by the County Structure Plan for Hertfordshire (first approved in 1979 with later alterations being approved in 1984). The Dacorum District Plan (adopted 1984) provides the detailed local interpretation of the generalised Structure Plan policies. All these planning documents make it clear that there is a strong presumption against further building in the Green Belt; particularly in rural areas like Bourne End where office development will only be given planning permission in very special circumstances.
- Your client's proposals are clearly not in accordance with such strong restraint policies. However the protection of the Metropolitan Green Belt has to be weighed against other national objectives and the scheme's likely local impact. The Development Plan aims to prevent unnecessary growth; from a job point of view this means attempting to strike a balance between the supply and demand of labour so

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that pressure for additional housing in the Green Belt is reduced. The Government endorses the need to protect the Green Belt but at the same time makes it clear that small businesses must be helped wherever possible as an essential part of the national drive to create jobs and aid economic regeneration. DOE Circulars 22/80 and 14/85 are particularly germane. The latter Circular also points out that the policies of the Development Plan are only one of the material considerations which must be taken into account when dealing with planning applications. Further there is a longstanding principal recently re-stated in Circular 14/85 that proposals for development should always be allowed unless they would cause demonstrable harm to interests of acknowledged importance.

6. Turning to the first issue, the appeal scheme would add about 75 sq m of offices onto the north-eastern corner of the existing warehouse. There is already more than 200 sq m of offices here, for about 10 staff, in a single-storey brick structure which wraps around the front of the warehouse. The project would provide separate offices for senior executives and room for about 3 additional new employees. This would allow your client's to cope with modest growth in the firm's business activities and provide better conditions for both clients and employees.

7. The warehouse is already a large building, some 720 sq m in extent and about 9 m high. Bearing in mind the size of this existing building, and other development on the site, such a small addition as that now suggested would, in my judgement, be unlikely to have any adverse impact on the appearance of the surrounding countryside. Rather than be harmful visually the project, which is well designed, would it seems to me be likely to improve the public face of your client's premises.

8. Also I find that the suggested 3 extra staff would be a modest and acceptable increase in jobs here. Although even such a small increase in employment may add, if only by a tiny amount, to the pressures on the Green Belt it seems to me that this is more than offset by the additional security the project helps to give to the future of your client's business. In my judgement therefore the appeal proposals would be unlikely to have any materially harmful effect on the Metropolitan Green Belt or the appearance of the surrounding area.

9. Turning to the second issue, the vehicular access to your client's land is clearly substandard for use by heavy vehicles. The surrounding lanes are generally very narrow and twisting. Access to the main road network is made more difficult by nearby canal bridge weight restrictions. I can understand the concern expressed by local residents, from a highway safety point of view, however that needs to be assessed here is the extra traffic the project would be likely to generate rather than existing levels of use which are not at issue in this appeal.

10. Your clients are engaged in the purchase and resale of construction equipment. Most of their business in the form of direct sales abroad only a relatively small proportion of the equipment purchased is brought to their Pix Farm Premises for repair or storage prior to resale. I understand that the company is looking to increase direct sales for export and that it is not envisaged that the project would increase the amount of heavy equipment being brought to and from the site. I see no reason to dispute this claim. The site after all appears currently quite capable of much more intensive use quite independent from the outcome of this appeal. However as your client's point out bringing heavy equipment to Bourne End is expensive and is avoided if at all possible. The only increase in traffic which the project is likely to generate directly therefore is to cater for the 3 or so extra staff employed. In the light of the existing levels of traffic the business already generates I find such an increase to be insignificant. It therefore seems to me that the project would not seriously harm the existing levels of road safety, or convenience of use, in the surrounding lanes.

11. I have considered all the other points raised including; the existence of a conservation area nearby; the desirability of achieving better frontage landscaping to the appeal site; and a wish by some local people to see time restrictions put on the use of the surrounding roads by heavy vehicles; that such matters are not compelling enough to change my conclusions on the material considerations which have led to my decision.

12. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a single-storey office extension at Barbrak Limited, Pix Farm Lane, Hemel Hempstead, in accordance with the terms of the application (No 4/0366/85) dated 27 March 1985 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

13. 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.

I am Sir  
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'C A Thompson', written in a cursive style.

C A THOMPSON DiplArch DipTP RIBA MRTPI Reg Architect  
Inspector