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Your reference RTH/P
LPA's ref: MKB/EDA/2447/53
Our reference APP/5252/C/76/1482

Date 13 DEC 76

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 88
LAND AT 48 ALEXANDRA ROAD, HEMEL HEMPSTEAD
APPEAL BY JAVELIN PRESS LIMITED

1. I am directed by the Secretary of State for the Environment to refer to the report of the Inspector, Mr J E Stevens OBE, BE, CEng, FICE, who held a local inquiry into your clients' appeal against an enforcement notice served by the Dacorum District Council relating to the use of the building situate at 48 Alexandra Road, Hemel Hempstead (excepting a room on the ground floor at a place shown hatched green on the attached plan) for the purpose of offices and storage.
2. The appeal against the enforcement notice was on the grounds set out in sections 88(1)(a) and (d) of the Town and Country Planning Act 1971, but at the inquiry ground 88(1)(d) was withdrawn.
3. A copy of the Inspector's report of the inquiry is annexed to this letter. His conclusions are set out in paragraphs 54 to 58 and his recommendation at paragraph 59 of the report. The report has been considered.

SUMMARY OF THE DECISION

4. The formal decision is set out in paragraph 10 below. The appeal fails and the notice is being upheld, as varied. Planning permission is not being granted for the continuation of the uses enforced against.

REASONS FOR THE DECISION

5. It is noted that although the enforcement notice describes the present use of the appeal premises as for offices and storage the facts and evidence show that the office and storage use is in connection with a business for the design of small packaging. It is considered that this defect in the notice is not a material one and did not mislead your clients or prejudice their appeal. The notice will therefore be corrected under the provisions of section 88(4)(a) of the Act of 1971.
6. The Inspector came to the following conclusions on the planning merits of the appeal:-

"I am of the opinion that Alexandra Road is essentially residential in character, even though some other uses have been established in it. In

the interests of good planning it is desirable that this residential character be protected, and the town map zoning upheld, by resisting any further non-residential uses, unless there are compelling reasons to do otherwise. That being so, the uses enforced against, being non-residential, must be regarded as objectionable and need strong overriding arguments in their favour if they are to be allowed. In particular, they generate a greater degree of noise and activity than would a residential use and consequently are likely to have a detrimental effect on the living conditions of local residents.

There is also the added objection that the uses enforced against result in the loss of a residential unit. Admittedly, as a dwelling, the appeal premises have shortcomings such as small rooms, an inconvenient layout, a lack of outdoor amenity and parking space and a likelihood of disturbance from the adjoining printing works. Nevertheless, they could provide basic living accommodation for 2 single people or a married couple without children.

It is no doubt true that there is a great demand in this area for office accommodation. It is no doubt also true that the appellants find it more convenient to permit the appeal premises to be used as offices than for residential purposes. But taken together these do not constitute sufficient justification to set aside the very strong objections to the development.

For these reasons I consider that it would be wrong to grant planning permission for the uses enforced against, even for a temporary period, and that consequently the appeal on ground (a) should fail."

7. These conclusions and recommendations are accepted and for the reasons given it is not proposed to grant planning permission for the continuation of the uses enforced against.

8. Although not pleaded, grounds (f) and (g) have been considered. On ground (f) as the allegation in the notice is being corrected for the reasons given in paragraph 5 above the notice is also being amended to require the discontinuance of this particular use. The view is taken that the storage use referred to is ancillary to the main use. In addition it is agreed with the Inspector that the requirement to restore the land and the building situated thereon to their condition before the development took place is excessive. This requirement will therefore be deleted and another substituted requiring the removal from the site of all materials and equipment connected with the uses enforced against.

9. On ground (g) the period for compliance with the notice is considered to be adequate.

FORMAL DECISION

10. For the reasons given in paragraphs 5 to 9 above, the Secretary of State directs that the enforcement notice be varied as follows:-

i. in paragraph 3 of the operative part, by the insertion of the words "in connection with a business for the design of small packaging" after the words "offices and storage";

ii. in the requirements (a) by the insertion of the words "and storage in connection with a business for the design of small packaging" after the word "offices" and (b) by the deletion of the last 2 lines of the

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requirements and the substitution therefor of the following words "to remove from the said building all materials and equipment brought into it in connection with the uses enforced against".

Subject thereto, the Secretary of State upholds the enforcement notice, refuses to grant planning permission for the continuation of the uses to which the notice relates, and dismisses the appeal.

RIGHTS OF APPEAL AGAINST THE DECISION

11. This letter is issued as the Secretary of State's determination of the appeal. Leaflet A enclosed for those concerned sets out the right of appeal to the High Court against the decision and the arrangements for inspection of documents appended to the Inspector's report.

I am Gentlemen
Your obedient Servant

MISS E TREANOR
Authorised by the Secretary of State
to sign in that behalf

ENCs