

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

Other

Ref. No. .... 782/75D

THE DISTRICT COUNCIL OF ..... **DACORUM** .....

IN THE COUNTY OF HERTFORD .....

To **Pilling (Coachbuilders)Ltd.,**  
**28 Rucklers Lane,**  
**Kings Langley,**  
**Herts.**

**Agents: Smith & Mackay,**  
**Chartered Surveyors,**  
**167 High Street,**  
**Berkhamsted,**  
**Herts.**

..... **Single storey workshop,** .....

.....

at **land adj. 28 Rucklers Lane, Kings Langley.** .....

.....

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 ..... **20th May, 1975** ..... and received with sufficient particulars on **22nd May, 1975 (complete on 3/6/75)** ..... 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 an area without notation on the County Development Plan and similarly in 'Hertfordshire 1981 Planning Objectives and Policies' wherein it is the local planning authority's policy to permit such development as would be appropriate to the approved Green Belt. Within the Green Belt it is the policy of the local planning authority not to allow development unless it is essential for agriculture or other genuine Green Belt purpose or unless there is some other quite outstanding reason why permission should be granted. The proposed development would constitute an expansion and consolidation of an existing non-conforming use and insufficient reason has been advanced to justify over-riding the strong presumption against new development in this area within which the Green Belt policy applies.

Dated ..... **4th** ..... day of ..... **September** ..... **1975** .....

Signed.....  .....

Designation **Director of Technical**  
**Services.**

## 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.

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

Town Planning Ref. No. 4/0381/76

Other Ref. No. 599/76D

782/751  
2<sup>nd</sup> Refusal.

THE DISTRICT COUNCIL OF

DA CORUM

IN THE COUNTY OF HERTFORD

To Pilling (Coachbuilders)Ltd.,  
28 Rucklers Lane,  
Kings Langley,  
Herts.Agents: Smith & Mackay,  
167 High Street,  
Berkhamsted,  
Herts.

Single storey workshop building	Brief description and location of proposed development.
at Adj. 28 Rucklers Lane, Kings Langley.	

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 1st April, 1976 and received with sufficient particulars on 5th April, 1976 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 an area without notation on the County Development Plan and similarly in Hertfordshire 1981 Planning Objectives and Policies wherein it is the local planning authority's policy to permit such development as would be appropriate to the approved Green Belt. Within the Green Belt it is the policy of the local planning authority not to allow development unless it is essential for agriculture or other genuine Green Belt purpose or unless there is some other quite outstanding reason why permission should be granted. The proposed development would constitute an expansion and consolidation of an existing non-conforming use and insufficient reason has been advanced to justify over-riding the strong presumption against new development in this area within which the Green Belt policy applies.

Dated 27th day of May 1976

Signed *A. H. Smith*

Designation Director of Technical Services.

# 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 of 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.

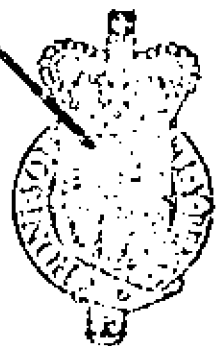
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(4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

new town of Hemel Hempstead, that has grown up on the western side of the A41 Trunk Road and the main Euston-Glasgow railway line. To the south of the settlement the land is part of the approved Metropolitan Green Belt, but to the north it is shown as being without notation in the approved County Development Plan. However the area in which the site is located was proposed as an extension to the green belt in 1956 and although this proposal has not yet been formally approved, the local planning authority are exercising development control in accordance with green belt criteria as indicated in their non-statutory planning document Hertfordshire 1981. Without prejudging this policy pending approval of the green belt proposals as a whole, I think the most important points in this appeal are that your clients' existing works and the appeal site are outside any area allocated for commercial and industrial purposes in the approved Development Plan, and the actual uses of the surrounding land are primarily residential on the southern side, and agricultural on the northern side of the built-up area. In these circumstances I consider any intensification or expansion of an industrial use, which by its nature is likely to be incompatible with the maintenance of a high standard of residential amenities or the rural character of the countryside, on to land which is at present not in commercial use cannot be regarded as an appropriate form of development and, unless it can be shown that there is some special reason for making an exception, to grant planning permission for such a proposal would be prejudicial to the proper exercise of planning control.

5. In considering the arguments you have put forward in special justification of the proposed development, I appreciate that there may well be an increasing demand, involving a need for larger premises, for the high quality service offered by your clients' thriving vehicle body repair and renovation business. I also appreciate that the processes which it is intended to carry on would only add marginally to the noise, disturbance and fumes which are stated by local residents to arise at present from the total industrial activity in the area. However the level of industrial activity and the number of vehicle movements of a commercial nature in and out of the premises and along Rucklers Lane would inevitably increase to some extent to the detriment of the peace and quiet of the neighbourhood, and, despite your arguments to the contrary, I do not consider these objections are overridden by your clients' needs. If it is essential for the business to expand, and in other circumstances this would clearly be most desirable (if for no other reason that to offer extra employment in the area), I think it would be preferable, from a planning point of view, for the enterprise to be relocated in an industrial area at this stage because in the light of representations and a petition made by local residents its impact on the surroundings cannot be regarded as satisfactory, even though I have no reason to believe that your clients are not as considerate as possible to their neighbours. The fact that the nearby dwellings are mainly of the older type does not alter this conclusion.

I have considered the objection raised by the council that part of the site impinges on the line of the former Aylesbury Radial Road which should be safeguarded until such time as a reappraisal of the future of the A41 road is completed. In view of the advice originally given by the Regional Controller (Roads and Transportation) in this case, which has not been formally amended, I regard the evidence produced on this matter as being too inconclusive to provide a basis for making any judgement. However in view of the other objection, which I have already outlined, this issue does not affect my determination of the appeal.



# Department of the Environment

Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 384

Messrs Machin and Company  
Solicitors  
17-19 George Street West  
LUTON  
LU1 2BS

Your reference

AJC/EG

Our reference

T/AFP/5252/A/76/2176/G9

Date

5 JUL 76

*Handwritten:*  
1. R.M.S. 18/9/76  
2. ~~in the~~  
3. Team 1.

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY PHILLIPS (COACHBUILDERS) LIMITED  
APPLICATION NO: 782/75D

I refer to your clients' appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a commercial building for workshop and motor body panel store on land adjacent to 28 Rucklers Lane, Kings Langley. I note that in a subsequent application the proposed development was described as a commercial building for use as spare parts store and as a working area for motor car "valeting service" with an increase staff of 6 male persons, and 2 female persons working part-time instead of no increase in staff as in the application before me. You wish the appeal to be determined on this latter basis as it more appropriately describes the use. While I note the intended use, I consider that if the change was to be so substantial as to say represent a Class III Use rather than a Class IV Use under the Schedule of the Town and Country Planning (Use Classes) Order 1972, it would be too great to be considered a slight variation, and a new appeal on the other application would be required. I must therefore determine the appeal on the basis of the application which is actually the subject of the appeal, ie as a part workshop.

1. From my inspection of the site and surroundings on 2 August 1976, 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 primarily on whether the site can be regarded as being suitably located for an expansion of industrial activity bearing in mind the provisions of the Development Plan and the presence of nearby dwellings.

3. The appeal site was formerly allotment garden, now unused, and is situated behind frontage development on the northern side of Rucklers Lane which, although including your clients' works and Mayhew's vehicle repair workshop both of long-standing, is predominantly residential in character. The land to the north-west and north-east of the site, which slopes fairly steeply up from the south-east, is undeveloped, except for some old lock-up garages and former agricultural buildings, and is used partly for horticulture/allotments, and partly for parking vehicles in the open. There is countryside beyond.

4. The area in which the site is situated is known as Rucklers Green and is now a quite sizeable residential community, about a mile to the north-north-west of the centre of the village of Kings Langley and about 2 miles south of the centre of the



7. Although I have examined all the various other matters raised in your representations, there is nothing of the substance needed to affect my decision that the proposal before me is unacceptable.

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 MBIM  
Inspector