

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

Other

Ref. No.

THE DISTRICT COUNCIL OF **DACORUM**  
 IN THE COUNTY OF HERTFORD

To Messrs. Aitchisons,  
 154 High Street,  
 BERKHAMSTED,  
 Herts.

R. J. Aitchison, Esq., F.R.I.C.S.,  
 154 High Street,  
 BERKHAMSTED,  
 Herts.

Change of use from shop to office

at 156 High Street, Berkhamsted.

Brief  
 description  
 and location  
 of proposed  
 development.

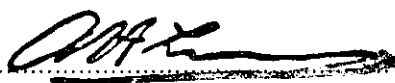
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated **21st March, 1980** and received with sufficient particulars on **24th March, 1980** and shown on the plan(s) accompanying such application.

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

The proposed change of use would be contrary and detrimental to the policy of the local planning authority to retain a primarily retail frontage in this part of the central area of Berkhamsted.

Dated **8th** day of **May**, 19 **80**.

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.



# Department of the Environment

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Messrs Aitchisons  
154 High Street  
BERKHAMSTED  
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HP4 3AX

Your reference

RJA/AF

Our reference

T/APP/5252/A/80/8494/G8

Date

13 OCT 1980  
TECHNICAL SERVICES DEPT.  
PLANNING SECTION

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO: 4/0522/80

13 OCT 1980	
FILE NO.	DATE

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 a change of use from shop to office at 156 High Street, Berkhamsted. 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 23 September 1980.
2. The main issue in this case is whether an exception should be made to the policy of the local planning authority to retain a primarily retail frontage in this part of the central area of Berkhamsted.
3. The policies concerning shopping and office centres in the county are laid down in the Approved County Structure Plan 1979 and the primary shopping frontage of Berkhamsted is defined under policy C7 of the draft Dacorum District Plan Written Statement as that part of the north side of the High Street lying between St Peter's Church and the Post Office. The appeal site is within this area. Policy 6 states that planning applications for change of use from shop to non-shop use in primary shopping frontages will normally be refused.
4. I also note that the appeal site is located within the Berkhamsted Conservation Area within an area zoned as Central Area in the Approved County Development Plan and in Hertfordshire 1981, a non-statutory review of the development plan which was adopted by the local planning authority in September 1972. Additionally, the site is shown as being within an area zoned "primarily shopping" on the Berkhamsted Town Centre Map 1973, a non-statutory plan adopted by the local authority for the guidance and control of development within the central area.
5. It would therefore appear that the policy has remained practically unchanged since 1972. However exceptions appear to have been permitted as I understand from the representations that in 1974 a firm of Estate Agents, Flatt and Mead, were allowed to take over 158 High Street, a much more-commanding corner site than No 156, previously occupied by the Victoria Wine Company and that in 1977, Brown and Merry, Surveyors and Estate Agents, who have offices a few doors to the east of yours, were granted change of use in respect of a shoe shop for a double fronted extension to their premises. In view of this I am of the opinion that your appeal should be allowed.
6. I am also influenced by the fact that the total retail frontage of Berkhamsted is linear form and extends for approximately one mile along the main

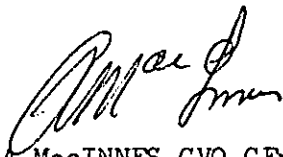
road and that No 156 is a very small unit with a frontage of some 13 ft only and a window display area of some 7 ft.

7. Having considered all other matters raised in the written representations, I am of the opinion they do not carry sufficient weight to override the considerations that have led to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for change of use from shop to office at 156 High Street, Berkhamsted in accordance with the terms of the application (No 4/0522/80) dated 24 March 1980 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this decision.

9. 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 Gentlemen  
Your obedient Servant



A MacINNES CVO CEng FIMechE FBIM  
Inspector

