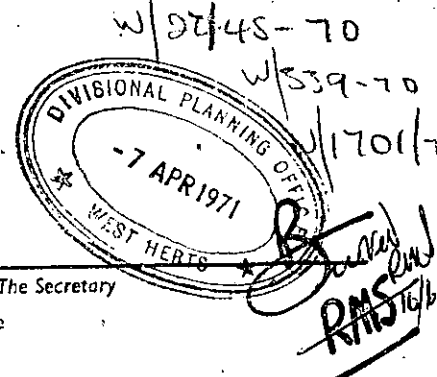




DEPARTMENT OF THE ENVIRONMENT
Ministry of Housing and Local Government
Whitehall London SW1

Telephone
01-839 8020

ext.
329



A J Harry Esq MA
5 Stephyns Chambers
Bank Court
Marlowes
HEMEL HEMPSTEAD
Herts

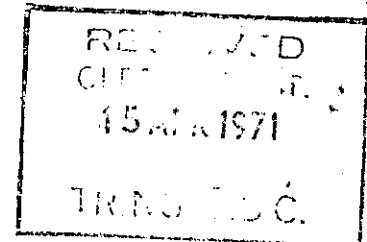
525/70D.

Please reply to The Secretary
Your reference
AJH/BEG
Our reference
APP/1743/A/48659 and 49838
Date
30 MAR 1971

RM

Sir

TOWN AND COUNTRY PLANNING ACT 1962 - SECTION 23
APPEALS BY WILLIAM BATEY AND COMPANY (EXPORTS) LIMITED



1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mr F J K Brindley MA, CEng, MICE, MTPI, who held a local inquiry into your clients' appeals against the decisions of the Tring Urban District Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for:

- i. the continued use of a storage shed at the rear of 29/32 Akeman Street (Application No 11/70), and
- ii. the use of Nos 29/32, 64/66 and 75/76 Akeman Street, Tring, for storage purposes (Application No 91/70).

A copy of the report is enclosed.

2. The Inspector said in his conclusions:

"I am of the opinion that while difficulties about planning permissions may have caused some delays in the provision of new purpose designed buildings, it is not convincingly clear that this is the principal fault of a situation which results in the extensive use for storage of dwellinghouses. Over the last 12 years the appellants' business has developed successfully. It is now clear that if they are to remain in Akeman Street there should be no further delays, by either side in providing properly planned premises.

The northern end of Akeman Street may have deteriorated some time ago, but it is certain that the use of so many old terrace houses for storage must have reduced whatever amenities there were for those who use the street or still live there. Because these old houses have no off street space for loading or unloading and very little room for disposing waste, all these activities must be in full view and also cause inconvenience to pedestrians and drivers. The houses themselves have obviously ceased to be homes, or in the case of those on the east side, shops, and consequently they have a neglected and depressing appearance. These and the shed are quite out of keeping with the new council flats and the southern part of Akeman Street.

It is accepted that an immediate end to the use for storage of the appeal premises would be very serious for the appellants, and with some reluctance a

~~Differs in add'l gnd of appeal~~

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temporary consent is recommended. In recommending the use for storage of all the appeal premises excepting numbers 75 and 76 for a period of one year it is recognised that the extensions and new buildings permitted could not be ready in that time, but by then it should be possible for the council to see how much longer will be needed before the new premises are ready for occupation, and to extend the temporary permissions accordingly. If, however, the appellant decide not to go ahead with their permitted redevelopment schemes, there should be no extension of the temporary consents.

Numbers 75 and 76 should be excluded from any permissions since they are to be demolished to make way for the permitted development."

The Inspector recommended that the appeals be allowed in respect of the use for storage of the storage shed, 29-32 and 64-66 Akeman Street, subject to the condition that the uses shall cease one year after the issue of the decision letter and that the storage building shall be removed at that date.

3. The Secretary of State agrees with the Inspector's conclusions on the merits of the proposals now before him and accepts his recommendation. Therefore he allows both your clients' appeals to the extent described below, and hereby grants planning permission for:

i. the retention and continued use for storage purposes of a shed at the rear of 29/32 Akeman Street, Tring, in accordance with the terms of the application (No 11/70) dated 2 February 1970 subject to the condition that the use hereby permitted shall cease and the storage shed shall be removed and the land reinstated to its former condition on or before 31 March 1972;

ii. the use of Nos 29/32 and 64/66 Akeman Street, Tring for storage purposes, in accordance with the terms of the application (No 91/70) dated 15 June 1970 subject to the condition that the uses hereby permitted shall cease on or before 31 March 1972.

4. The Secretary of State hereby dismisses the appeal referred to in paragraph 1 i above insofar as it relates to the use of Nos 75/76 Akeman Street for storage purposes.

5. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 13 of the Town and Country Planning Act 1962.

6. A further letter will be sent to you on the subject of costs in due course.

I am Sir
Your obedient Servant

H C HOLLINGTON

Authorised by the Secretary of State
to sign in that behalf

ENC

Apr. 15. 6. 1920.

To: The Secretary,
Department of the Environment,
Becket House,
Lambeth Palace Road,
LONDON SE1 7ER.

TOWN AND COUNTRY PLANNING ACT 1971 SECTION 88

Notice of Appeal Against Enforcement Notice

1. NOTICE OF APPEAL IS HEREBY GIVEN on behalf of William Batey & Co. (Exports) Ltd., against the enforcement notice dated 3rd May 1976 served by Dacorum District Council in respect of land comprising part of the land which is situate and known as No.1 Albert Street Tring in the District of Dacorum in the County of Hertford. A copy of the enforcement notice is annexed hereto.
2. The grounds of appeal are those set out in sub-sections (a) and (g) of Section 88(1) of the Town and County Planning Act 1971.
3. The facts on which the appeal is based are that:
 - (i) The use of the land for the purposes of a car park is reasonable from a planning point of view and reasonably ancillary to and necessary for the business of the Appellants carried on at their adjoining and neighbouring premises.

(ii) By reason of the circumstances and nature of the Appellants said business the period given for compliance with the enforcement notice is insufficient for the Appellants to make satisfactory or reasonable alternative arrangements.

Date 26 May 1976

Signed A. J. Harry

A.J. Harry M.A.(Cantab),
5 Stephyns Chambers,
Bank Court, Marlowes,
Hemel Hempstead,
HERTFORDSHIRE.

Solicitors for the Appellants