

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

Town Planning  
Ref. No. 4/0672/74Other  
Ref. No. 772/74D

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To  
Sunderland (Storage) Ltd.,  
Church Lane,  
Kings Langley,  
Herts.

Agent: Murray Ward & Partners,  
32 Wigmore Street,  
London,  
W.1.

Erection of New Warehouse  
at site off Church 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 8th July, 1974 and received with sufficient particulars on 9th July, 1974 and shown on the plan(s) accompanying such application.

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

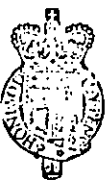
- 1) The site of the application is within the Metropolitan Green Belt where it is the policy of the Local Planning Authority to permit only development required for agricultural or some other purpose essential to the local rural community. Whilst the Planning Authority accept the applicants have been established in this part of Kings Langley for many years they are of the opinion the proposal would represent an unacceptable consolidation of warehouse buildings in the green belt for which there is no justification.
- 2) The proposal would generate additional traffic on a road system which in this part of Kings Langley has not been specifically designed to carry heavy goods vehicles. In addition the junction of Church Lane with the A.41 Trunk Road is considered to be sub-standard and the proposal would intensify traffic movements and adversely affect the free flow and safety of traffic in the area due to slowing, turning and manoeuvring vehicles.
- 3) The proposed development would affect adversely the amenities at present enjoyed by the occupants of residential properties within the near vicinity.

Dated Twenty-first day of November 1974

Signed   
Director of Technical  
Designation 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.



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Caxton House Tothill Street London SW1H 9LZ

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Messrs Faulkners  
Chartered Surveyors  
43 Market Street  
Watford  
WD1 4P

Our ~~your~~ reference  
APP/2142/A/72/426

Our reference

APP/2142/A/73/7631

Date

2 AUG 1974

*then file.*

Gentlemen

TOWN & COUNTRY PLANNING ACT 1971 - SECTION 36  
PEALSBY SUNDERLAND (HERTS) HAULIERS LIMITED  
APPLICATION NOS. W/3640/71 and W/3520/72

1. I am directed by the Secretary of State for the Environment to say that cor leration has been given to the report of the Inspector Mr J C Woodville, CEng MIMunE who held a local inquiry into your clients' appeals against the decisions of the former Hemel Hempstead Rural District Council, acting on behalf of the former Hertfordshire County Council, to refuse planning permission for (1) lorry drivers' motel, container parking, guarded lorry park and light industrial and storage development and (2) the erection of a warehouse building, all on land adjoining Church Lane, Kings Langley. A copy of the report is enclosed.

2. The Inspector said in his conclusions:-

Relating to the first appeal

"I am of the opinion that although the appearance of the appeal site is undistinguished, and is further marred by its present condition, it occupies a position of importance to amenity in that it is an integral part of the pleasant open land which extends eastwards from the site towards the canal and beyond.

The proposed development would be a substantial intrusion of commercial and industrial uses which would decisively change the character of this small but important area of Green Belt and would conflict with the aims of Green Belt policy.

I consider that permission for development so inappropriate in the Green Belt should not be permitted in the absence of the strongest grounds in justification of an exceptional and proven need for the development; in my opinion such an over-riding need has not been established.

Moreover, the introduction of industrial and commercial uses would generate movements of heavy vehicles on a site in close proximity to the gardens of occupied houses, would, primarily by reason of noise, seriously harm residential amenity. In my opinion neither the proposed screening nor any condition that it would be reasonable to attach to a planning permission, if granted, would be likely to effect a significant amelioration of that harm.

With regard to the highway aspect I consider that the objections on highway grounds are well-founded and merit support. It is clear that the multiple industrial and commercial development proposed is intrinsically likely to generate materially increased numbers of movements of heavy goods vehicles in Church Lane, a minor 2-lane local road leading to a major traffic route.

There would, therefore, inevitably be greater numbers of turning movements of heavy vehicles into and out of Church Lane at a junction which falls significantly short of acceptable design standards, in respect of visibility distances, for a junction with a trunk road. In these circumstances I consider that the free flow of traffic on A41 would be increasingly subject to interruption with consequent additional hazards to road safety which must be paramount.

#### Relating to the second appeal

The result of the erection, over a period of years, of 5 buildings now used, or to be used, as warehouses, workshops and offices in connection with this long-established haulage contracting and storage business is that the appeal site now makes no contribution to the stated aims of the Green Belt concept.

Nevertheless, I consider that it would be wrong, without the strongest justification, to permit a further industrial building which would not only conflict with that policy but would also appear as a prominent and obtrusive feature when seen from the canal and from the nearby houses. I find no evidence of a degree of need sufficient to warrant the setting aside of these considerations.

On the highway aspect of this proposal the number of additional heavy goods vehicle movements that would be generated by the erection of a single warehouse is not precisely ascertainable but would clearly be fewer than the number to be expected to result from the appellants' larger proposal.

Nevertheless, the likely additional movements would not, in my opinion, be so few as to be insignificant and they would, therefore, add to the turnings movements at the sub-standard junction of Church Lane and A41 and thus cause further interruptions in the free flow of trunk road traffic and additional hazards to the safety of road users."

The Inspector recommended that both the appeals be dismissed.

The Inspector's findings of fact and conclusions together with all the evidence, including that submitted by or on behalf of third parties, have been considered. In the first appeal, there is agreement with the Inspector that the proposed development would be a substantial intrusion of commercial and industrial uses which would decisively change the character of this open area of green belt. As other conclusions are also generally accepted and in particular those which relate to the highway objections which it is agreed are well-founded. In the second appeal, it is acknowledged that a single warehouse would not be objectionable to the same extent as the larger proposal (the subject of the first appeal); and the long established nature of your clients' business in this location is recognised. Nevertheless the Inspector is thought to be right in concluding that no further industrial building on the appeal land between residential development and the canal should be permitted contrary to green belt policy without the strongest justification; and that there is no evidence of a degree of need

sufficient to amount to such justification. On the highway aspect, while it is thought that a refusal of permission for one more warehouse on highway grounds alone would hardly be warranted, it is considered that any additional turning traffic movements into and from Church Lane and the A41 trunk road would be undesirable at that sub-standard junction.

2. For these reasons the Secretary of State hereby dismisses both of the appeals.

3. For the avoidance of any doubt, it should be added that while consideration has been given to the written evidence from third parties received after the inquiry, this has not affected the Secretary of State's decision given above.

I am Gentlemen  
Your obedient Servant

J FUDGE

Authorised by the Secretary of State  
to sign in that behalf