

TOWN PLANNING REGISTER SHEET

ADDRESS/LOCATION OF SITE: 11 Chestnut Drive, Berkhamsted, Herts.		TOWN PLANNING REF. NO: 4/0689/77E	
LOCAL AUTHORITY NAME: Dacorum District Council		LOCAL AUTH. BLD. REGN. OR OTHER REF. NO:	
PARISH NAME: Berkhamsted Town Council		DATE OF COMMENCEMENT OF STATUTORY PERIOD:	
DESCRIPTION OF PROPOSED DEVELOPMENT Appeal against Enforcement Notice: Unauthorised use of land and garage for the storage, repair, servicing and tuning of motorcycles.		DATE OF EXPIRY OF STATUTORY PERIOD:	
		DATE OF DECISION:	
		DECISION:	
		DIRECTIONS Dept. of Env't. County Plan. Auth. County High. Auth.	
		DATE OF APPEAL DECISION: 22.9.77	
		APPEAL DECISION: DISMISSED.	
NAME AND ADDRESS OF APPLICANT: A.C. Barrett, 11 Chestnut Drive, Berkhamsted, Herts.		O.S. SHEET NO: 687	NAT. GRID REF. SP9970007020
NAME AND ADDRESS OF AGENT:		ROAD CLASS: Unclassified	
		PREVIOUS APPLICATIONS ON SAME SITE: 4/0661/76	



Department of the Environment
Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928-7855 ext 375
COUNCIL

23 SEP 1977

SECRETARY'S DEPT

TECHNICAL SERVICES DEPT.

PLANNING SECTION

Your reference

29 SEP 1977

Our reference

T/APP/5852/C/77/1330/G4
Date

22 SEP 1977

Mr A C Barrett
A C B Motorcycles
11 Chestnut Drive
BERKHAMSTED
Herts

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LAND AND GARAGE AT 11 CHESTNUT DRIVE, BERKHAMSTED
LOCAL PLANNING AUTHORITY REFERENCE: TBJR/EDA/2447/79

1. I refer to this appeal, which I have been appointed to determine, against an enforcement notice served by the Dacorum District Council concerning the above-mentioned land and building. 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 Tuesday 16 August 1977.

2. Details of the enforcement notice are as follows:-

a. The date of the notice is 7 January 1977.

b. The breach of planning control alleged in the notice is the making of a material change in the use of the said garage to a use for the repair, servicing and/or tuning of motorcycles and of the said land to a use for the storage of motor cycles awaiting repair, servicing and/or tuning otherwise than in conjunction with the occupation and enjoyment of the said land.

c. The requirements of the notice are to discontinue the use of the said garage for the purpose of repairing, servicing or tuning of motorcycles and of the said land for the storage of motor cycles awaiting repair, service and/or tuning otherwise than in connection with the occupation or enjoyment of the said land and to restore the said garage and said land to their condition before the said development took place.

d. The period for compliance with the notice is 2 calendar months.

e. The appeal against the notice was made on ground 88(1)(a) of the 1971 Act.

3. No. 11 Chestnut Drive is a bungalow property in a residential road. With adjoining residences, it backs on to a large recreation ground. Your drive, along the south-east flank of this bungalow, rises from the road towards your back garden where, beyond a pair of high wooden gates positioned by the rear main wall of the bungalow, it widens slightly in front of a detached garage in your back garden.

4. When inspected, this wider area contained 7 parked motorcycles/mopeds. These were screened from view from the road by the solid closed gates and by a Bedford van parked in the drive beside the bungalow which, with the garage and some boundary fencing and planting, screened the parking area from view from adjoining property except that part of this area and some of the parked machines were open to view from the first floor of adjoining 2-storey residential property to the south-east of the

site. Your car, with a low trailer attached, was parked in the road outside your bungalow.

5. The garage doors open on to the wider part of the drive to give daylighting within the garage which is exceedingly well equipped as a mechanic's workshop and, when inspected, contained one motorcycle/moped on a raised central workbench, 4 other such machines, a supply of new tyres, a powered hand drill, a plentiful supply of hand tools and other items appropriate to the maintenance and repair of motorcycles/mopeds. The garage was electrically lit and a small electric fan above the central workbench was available to dispel exhaust fumes through the open garage doors should a machine be on a static test. I heard one such machine running smoothly.
6. You explain that your work of repairing and servicing customers' machines at their own premises increased to an extent that made it more easy for you to undertake the work (particularly major items) in your own garage where you attend to an average of not more than 4 machines per week. You transport the machines to and from the site on the trailer towed by your car. You state that you carry out sustained engine tests by riding the machines on roads in the locality so that only a bare minimum of engine running takes place in your garage. You consider that this on-site testing produces no significant noise or smell and you point out how well the machines at No. 11 Chestnut Drive are screened from view.
7. You therefore consider that what takes place on the site cannot cause nuisance and that your riding of the motorcycles/mopeds on the roads is no more detrimental to amenities than is the general nature of traffic in the locality which, in your view has suffered from increasing noise and deterioration of amenity value during the 1970s.
8. Nevertheless, the council points out that your business activities at the site were brought to its attention by complainants and further objections were received when your earlier planning application for this work was being considered. Formal objections have arisen as a result of the notification, locally, of your present appeal.
9. The road is part of a predominantly residential area which, in my view, is wholly residential in character. The council considers that your on-site business activities in this area bring serious harm to the immediate surroundings of the site because of noise and fumes emanating from your garage workshop and bring unnecessary non-residential traffic to the locality because of your customers' and your own comings and goings in connection with this business.
10. In my opinion, the industrial nature of the maintenance and repair of motorcycles/mopeds at a residential property in a residential area cannot be reconciled with the normal activities of living which it would be reasonable to expect to find in such an area. It is my view that the undertaking of such work in your domestic garage and the parking of these machines on part of your drive, even though well screened from general view, has introduced an unneighbourly element on to the site. I also consider that the traffic movements generated by this business use have brought about an added but unnecessary vehicular use to Chestnut Drive.
11. In describing the volume of your work in your garage, you have referred to the average number of machines attended to each week. However, in any one week, the actual number could exceed the average; in a planning permission it would not be practicable to impose a condition limiting the amount of work or the number of machines on the site at any one time because this could not reasonably be enforced.

12. I can understand the advantage and convenience of not undertaking all your work at your customers' premises but convenience is no justification for the grant of a planning permission.

13. For the foregoing reasons I conclude that the notice should be upheld and your appeal be dismissed and, in coming to these conclusions, I have considered all matters raised in the written representations in support of your appeal but in my opinion these are outweighed by the planning considerations which have led to my decision.

14. Although no appeal was raised on grounds 88(1)(f) and (g), namely, appeals against the requirements of the enforcement notice and the period allowed for compliance with those requirements, I have considered these matters and have come to the conclusion that the period for compliance is reasonable but that the requirement "to restore etc" is too vague and excessive and I propose to put this in a more reasonable form in my decision.

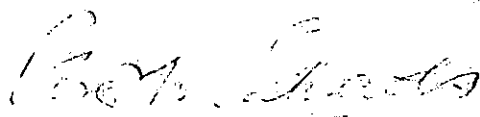
FORMAL DECISION

15. For the above reasons and in exercise of the powers transferred to me, I direct that the enforcement notice be varied by the deletion from the requirements, of the words "and to restore the said garage and the said land to their condition before the said development took place" and the insertion of the words "and remove all equipment and tools required in connection with the said use but not needed for purposes incidental to the enjoyment of the dwellinghouse as such". Subject to this variation I hereby dismiss your appeal, uphold the enforcement notice and refuse to grant planning permission on the planning application which you are now deemed to have made under section 38(7) of the 1971 Act.

RIGHT OF APPEAL AGAINST THE DECISION

16. This letter is issued as the determination of the appeal which is before me. Particulars of rights of appeal to the High Court against the decision are enclosed for your information.

I am Sir
Your obedient Servant



ROBERT W EDWARDS FICE FIMUNE
Inspector