

4/0695/88

IMPORTANT:— THIS COMMUNICATION AFFECTS YOUR PROPERTY

(b)

DACORUM BOROUGH

Council

TOWN AND COUNTRY PLANNING ACT 1971
(as amended)

Enforcement Notice^(a)

Breach of Planning Condition to which the 4 Year Rule applies
(Operational Development or Preventing Change of Use to Single Dwellinghouse)

(c) 54 Duxons Turn, Hemel Hempstead

WHEREAS:

(1) It appears to the^(b) Dacorum Borough Council ("the Council"), being the local planning authority for the purposes of section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control within the period of 4 years before the date of issue of this notice on the land or premises ("the land") described in Schedule 1 below.

(2) The breach of planning control which appears to have taken place consists in the failure to comply with the following condition(s) subject to which planning permission was granted on the 5th June 1986 for^(d) change of use from Special Industry to Light Industry and Storage and trade sale of paint products.

[that] [those] condition(s) appearing not to have been complied with in the respect(s) set out in Schedule 2 below:

(c) (2) Before the development hereby permitted is occupied the 8 parking spaces indicated on Drawing No. 0890/01 shall be laid out and surfaced, and these shall be maintained at all times thereafter to the satisfaction of the local planning authority.

(3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said section 87, for the reasons set out in [the annex to] this notice.^(f)

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken [in order to remedy the breach] ^(g)

within [the period of two ~~three~~ [months] from the date on which this notice takes effect] [the period specified in respect of each step in that Schedule].^(h)

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 88(10) of the Act, on 16th April 1988.⁽ⁱ⁾

Issued 17th March 1988.

Council's address

(Signed) Keith Hunt

(Designation) Borough Secretary
(The officer appointed for this purpose)

CONTINUED OVERLEAF — P.T.O.

NOTES TO THE LOCAL PLANNING AUTHORITY

- (a) This notice is appropriate for breach of a planning condition relating to the carrying out of operations or preventing a change of use of a building to a single dwellinghouse.
(b) Insert the name of the Council issuing the notice.
(c) Insert the address or a description of the land to which the notice relates.
(d) Insert a description of the development for which planning permission was granted, using the words of the grant of permission.
(e) Set out (in full) only the condition(s) which it is alleged has/have not been complied with.
(f) See paragraph 29 of DOE Circular 38/81 (Welsh Office Circular 57/81).
(g) Or, as the case may be, having regard to section 87(7)(a) and (b) of the Act. Where steps are required to be taken for more than one of the purposes provided for in section 87, the purpose for which each step is required should be specified in Schedule 3. Steps may be required as alternatives.
(h) If a single period is to be specified by which all the required steps must be taken, insert it here. But if a series of steps is required to be taken, with a different compliance period for each step, the appropriate period should be clearly stated against each step (in columns if more suitable) in Schedule 3.
(i) The date selected must be not less than 28 days after all the copies of the notice have been served (see section 87(5) of the Act).

SCHEDULE 1

Land or premises to which this notice relates

(address or description)

54 Duxons Turn, Hemel Hempstead, Hertfordshire

shown edged [red] [] on the attached plan.^(k)

SCHEDULE 2

Alleged breach of planning control

Failure to comply with the condition(s) recited overleaf in that^(l)

The development permitted has been occupied but the car parking spaces indicated on Drawing No. 0890/01 have not been laid out and surfaced.

SCHEDULE 3

Steps required to be taken^(m)

- (i) Demolition of the residual building on the premises.
- (ii) Lay out individual parking spaces on the car parking area.

NOTES TO THE LOCAL PLANNING AUTHORITY

(k) See paragraph 31 of DOE Circular 38/81 (Welsh Office 57/81).

(l) State how it is alleged the condition(s) has/have been breached.

(m) Specify the actual steps to be taken with, if appropriate, the compliance period for each step. The requirements should be clear.

ANNEX TO ENFORCEMENT NOTICE DATED: 17 March 1988

This information is given in pursuance of the Town and Country Planning (Enforcement Notices and Appeals) Regulations 1981 and Circular 38/81.

The Council, as the Local Planning Authority, consider it expedient to serve this Notice upon you for the following reason(s):-

The parking spaces to meet the standards adopted by the Local Planning Authority for storage use are required in order to provide satisfactory off-street parking and to ensure proper development.

TOWN AND COUNTRY PLANNING ACT 1971
APPEAL UNDER SECTION 88 BY BRINDEN BUILDERS AGAINST THE DECISION OF
DACORUM BOROUGH COUNCIL TO SERVE AN ENFORCEMENT NOTICE IN RESPECT OF
NON-COMPLIANCE WITH A CONDITION REQUIRING PROVISION OF PARKING SPACES AT
54 DUXONS TURN, HEMEL HEMPSTEAD

DEPARTMENT OF THE ENVIRONMENT REF. NO.

APP/C/88/A1910/003

DACORUM BOROUGH COUNCIL REF. NO.

4/0695/88E

WRITTEN STATEMENT OF DACORUM BOROUGH COUNCIL

1. Appeal Site and Surroundings (LPA1)

The site subject of the appeal, measuring approximately 665 sq.m., comprises part of a larger building together with additional open land to the south and west. The building area measures approximately 386 sq.m. of floorspace and previous to the present use formed part of a precious metal refinery (Special Industry). The remainder of the building, which was sub-divided during 1986, is currently used as a public works depot, offices and paper storage warehouse. To the west of the premises is a narrow strip of woodland beyond which is residential property; to the south is further industrial development. Access to the premises is by means of a relatively narrow shared access to Duxons Turn itself.

2. Planning History

The building was initially erected under Section 3(1) of the New Towns Act in the period 1957-60 and was used for light industrial purposes until 1981 when planning permission was granted for a change of use to Special Industry (precious metal smelting) and involving the erection of a 20m metal flue for dispersal of fumes. This use continued until 1985. On disposal of the premises in 1986 a number of planning applications were received for change of use for various purposes. These are listed below:-

- | | |
|-----------|--|
| 4/0292/86 | Change of use of part of building to Storage and Public Works operation |
| 4/0534/86 | Change of use of part building to Light Industrial (4 parking spaces) |
| 4/0586/86 | Change of use of part building to Storage and Light Industrial (subject to Appeal) |
| 4/0051/86 | Change of use of part building to Showroom and Workshop (3 parking spaces) |
| 4/0663/86 | Change of use of part building to Class II Offices |

4/1121/86

Change of use of part building to Light Industry
and Offices

3. Planning Policies

The Dacorum District Plan was adopted by the Council on 25 January 1984 and came into effect on 26 January 1984. The Appeal site lies within an area designated on the plan as existing industrial land. The application was subject to Policy No.19 of the District Plan relating to parking standards.

4. Planning Considerations

There were no policy objections to the change of use (which included a small area for retail sales) although there was in fact a shortfall of three parking spaces when the Council's parking standards were applied. It was, therefore, considered essential that those spaces outlined on the proposal were laid out and maintained. This aspect was considered particularly important in view of the congested nature of the access which is also used by adjacent occupiers of the building.

5. Comments on the Grounds of Appeal

The grounds given put forward no valid argument as to why the spaces indicated have not been implemented. The plans supplied, although indicating 8 spaces, show a layout which, unless the area to the west of the building is kept clear at all times, cannot be considered satisfactory. This particular area is now used as an accessway to a new business (metal pressing) that has opened up in the rear of the building and which further adds to the general congestion. Enforcement action in respect of non-compliance with noise restriction conditions and the possible unauthorised change of use to Heavy Industry has now been authorised in respect of this part of the building.

6. Conclusions

6.1 The grounds of the appeal that the matters alleged do not constitute a breach of planning control cannot be substantiated in that

(a) The parking spaces required by condition have not been satisfactorily laid out

(b) Three of the spaces are permanently unusable due to the use of the area as a means of access to the rear part of the building

6.2 For the above reasons the Inspector is respectfully requested to dismiss the appeal and uphold the Enforcement Notice.



Department of the Environment

Room TX 109

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 135

Switchboard 0272-218 811

GTN 2074

1/3
2/RB

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL						
Ref.	4 586/86				Ack.	
C.P.O.	D.P.	D.C.	B.C.	Admin.	File	
Received			18 APR 1988			
Comments			ORIC ON CLOCK CHECK COPY TO TEAM 1			
Your reference						

Our reference

AP/188/A1910/003

Date

12 April 1988

Dear SS

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 88
TOWN AND COUNTRY PLANNING (ENFORCEMENT NOTICES AND APPEALS)
REGULATIONS 1981
APPEAL BY BEAVER TRADING CENTRE
LAND AT 54 DIXONS TURN

1. I enclose a copy of an appeal to the Secretary of State, under section 88 of the Act, against an enforcement notice issued by your Council for this land, and of the Department's reply.

2. Would you please send to me by 26th April 1988 the documents listed below and also provide the other information requested*:-

- a true copy of the enforcement notice (including the statement of reasons why the Council considered it expedient to issue the notice), and a list of the names and addresses of all the persons on whom a copy was served under section 87(5) of the Act. If more than one notice has been issued in respect of the appeal site, please attach a copy of each notice.
- if a plan was attached to the enforcement notice, a true copy of it endorsed to that effect. If the original plan was coloured, the copy should be coloured identically.
- a simple plan or sketch to enable the location to be identified on an Ordnance Survey map, if the plan attached to the notice is not sufficient for this purpose. The grid reference, if known, is also requested.
- if the enforcement notice relates to building, engineering or mining operations, the site area (in hectares) and, where appropriate, the amount of gross floor space (in square metres) created by the development.
- if the enforcement notice relates to the erection of a building or buildings, is the building, or are the buildings, to be used for the purposes of "agriculture" on land used for agricultural purposes, albeit not necessarily "agricultural land" comprised in an "agricultural unit" as statutorily defined in the Agriculture Act 1947?
- if the enforcement notice relates to the erection of, or the change of use of, a building, is the building a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations?

g. where the change of use enforced against relates to a single private dwellinghouse, does it involve the creation of two or more single private dwellinghouses, each as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations?

h. if the enforcement notice relates to a change of use

i. to a use of land for the disposal of refuse or waste materials;

ii. to a use of land for the deposit of material remaining, after minerals have been extracted from the land; or

iii. to the use of land for the storage of minerals in the open,

the area of the site in hectares.

i. a copy of any planning permission previously granted in respect of the development, or containing the condition which is the subject of the enforcement notice, together with any other documents necessary for its interpretation, eg as appropriate, the plans accompanying the application, or any other correspondence about the application.

j. i. whether the appeal site is within 67 metres of a trunk road.

ii. whether the appeal site is Crown land (as defined in section 266(7) of the Act).

iii. whether the appeal site is situated within a Conservation Area (as defined in section 277 of the Act).

k. if the appellant has applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice, the date of the relevant application and date of the Council's decision, if any.

l. a note of any related cases (eg. appeals under section 36 or orders under section 51 of the Town and Country Planning Act 1971) currently before the Secretary of State and whether the appeal site is subject to a direction made under Article 4 of the Town and Country Planning General Development Order.

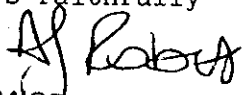
m. if the appeal site is subject to an Article 4 Direction, what "permitted development" rights are affected by the Direction?

n. if any "permitted development" rights have been restricted by means of a planning condition, even though the notice does not allege breach of condition please provide a copy of the relevant decision.

IMPORTANT

3. Your attention is drawn to the fact that, if the information requested in paragraph 2(a) above is not provided by the date indicated in this letter, in accordance with Regulation 8 the Secretary of State has power to quash the enforcement notice in accordance with section 88(6) of the Act.

Yours faithfully


MISS A. ROBERTS

*Case Officer to delete items not applicable.