

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

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Chambers & Chambers,  
Icknield Way,  
Tring,  
Herts. HP23 5HJ.

New workshop, stores and toilets

at Icknield Way, Tring.

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 18th July, 1974 and received with sufficient particulars on 22nd 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:—

**The proposal would be an intensification of a non-conforming use in an area allocated on the Development Plan for public open space.**

Dated Fifth day of March 1975

Signed

*[Signature]*  
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.



Department of the Environment  
Caxton House Tothill Street London

When writing to or telephoning the Department in connection with this appeal you are asked to take note of the fact that with effect from 24 November 1975 our new address will be BECKET HOUSE, LAMBETH PALACE ROAD, LONDON. SE1 7ER. (Telephone: 01-928 7855).

Telephone .....

Messrs Brown and Merry  
41 High Street  
TRING  
Hertfordshire  
HP23 5AB

Your reference  
PHK/FW/Planning Department

Our reference  
T/APP/5252/A/75/6408/G5

Date 20 NOV 1975

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MESSRS CHAMBERS AND CHAMBERS  
APPLICATION NO. 4/0718/74 852/74D

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 new workshop, stores, toilets etc in existing builder's yard at Upper Icknield Way, Tring, Hertfordshire.
2. I inspected the appeal site and surroundings on Wednesday 22 October 1975 and have considered all the written representations made on behalf of your client, and those made by other interested persons and as a result have come to the conclusion that the determining issue is the effect of your clients' proposal on the amenities of the occupiers of the houses in Upper Icknield Way, and on the proposed public open space.
3. I appreciate your clients' proposal to replace the existing 3 buildings with a single building with a greater floor area would be more convenient for your clients' business. I also note the Council has not implemented the public open space proposals, even though adjoining land 'Dundale' which is zoned for public open space, has been vacant for some years. The public open space proposal is nevertheless part of the approved Development Plan making provision for an open area between 2 housing developments. I consider that your clients' proposal would consolidate a non-conforming use, and this would not be appropriate in an area zoned for public open space.
4. I also accept your clients do not intend to intensify the existing use, but the noise from the circular saw and other machinery in this builder's yard already affects the occupiers of dwellings in Upper Icknield Way. The proposed increase of floor space could easily lead to an intensification of use at some future date, and in my view this would be detrimental to the amenities of local residents in the area.
5. I have noted the other matters raised in the written representations, but do not find them of sufficient importance to outweigh the considerations that have led me to these conclusions.

6. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant

*J. H. Whitfield*

J H WHITFIELD, ARICS  
Inspector