

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

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To J.F. Bishop & Son.  
111A Toms Lane  
Kings Langley

M.H. Seabrook Esq.  
4 Bradbery  
Maple Cross  
Rickmansworth

... Use of land for demolition contractor's yard: .....  
erection of single storey office, store and .....  
garage buildings .....  
at Land rear of "High Street Green Farmhouse", High Street ..  
Green/Mark Road, Hemel Hempstead .....

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 9th May 1983 ..... and received with sufficient particulars on 31st May 1983 amended 26th September 1983 ... and shown on the plan(s) accompanying such application..

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

In the opinion of the Local Planning Authority, the proposed use would prove injurious to the amenity of adjoining and nearby dwellings by reason of noise and dust emittance.

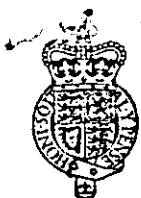
Dated ..... 13th ..... day of ..... October ..... 1983 .....

Signed.....

Chief Planning Officer

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, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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 and Department of Transport

Common Services

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**CHIEF EXECUTIVE  
OFFICER**
**29 JUN 1984**

File Ref.

Refer to

Cleared

CPO 29/6

Oakwood Commercial  
Estate Agents and Surveyors  
17 High Street  
ST ALBANS  
Herts  
AL3 3EH

Your reference

ML/RJM-COR

MENT

COUNCIL

**9754**

Ref Our reference

T/APP/A1910/A/83/010098/P5

C.P. Date

**27 JUN 84**

Ack.

Admin.

Receiver

Summary

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY J F BISHOP AND SON  
APPLICATION NO:- 4/0733/83

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. The appeal is against the decision of the Dacorum District Council to refuse planning permission for the use of land as a demolition contractor's yard, and the erection of single storey office, store and garage buildings, on land at rear of "High Street Green Farmhouse", High Street Green/Mark Road, Hemel Hempstead.

2. From my inspection of the site and surroundings on 21 May 1984, and from my consideration of the written representations including those received by the appellant after the site visit made by you, the council and interested persons, I am of the opinion that the decision on this appeal rests primarily on whether the proposed use would be harmful to the residential amenities of persons living nearby.

3. The appeal site, which was formerly part of High Street Green Farm, is in the council's ownership and is at present unused. It is situated on the western edge of the industrial area of Hemel Hempstead, but it is immediately to the east of some flats and a dwelling, known as "The Cottage", also owned by the council which front on to High Street Green.

4. Access to the site can at present be obtained either from High Street Green, which is a primarily residential street, via a road running along the northern side of "The Cottage", which also serves the Water Tower on the other side, or from Mark Road, a street in the industrial area. There are 2 sets of bollards across the access road on the frontage of the appeal site which prevent vehicles entering the industrial estate from High Street Green, and if the proposed development were permitted it is intended to move one set of bollards further to the west to prevent entry to the appeal site from High Street Green.

5. Furthermore if the proposal were allowed your clients would accept all the suggested planning conditions attached to the council's statement, and the site would be enclosed by a fence/wall 8 or 9 ft in height. Bearing in mind the position of the site next to the industrial area and all the relevant facts, I am of the view that the proposed use of the main part of the site, ie except for the area in the north-west corner, referred to as 'the nib of land' in the council's statement, would be acceptable, on balance, as the harmful effects should not be of such magnitude, in view of the various conditions agreed, as to detract unacceptably from the residential amenities of the persons living on the

western side of the site. However in my view the projection of the 'nib of land' so close to the rear of "The Cottage" would result in harmful effects as the back of the lean-to storage building proposed to be erected there would have a dominating and overbearing effect on the ground floor rear windows of the flats and "The Cottage". I also consider commercial/industrial activity in such close proximity to the dwellings at this point could have an unacceptable effect on the peace and quiet in the rear rooms and in the private open amenity space at the back of the flats. It thus seems to me to be necessary to refuse permission for the present detailed proposal.

6. I understand from my site inspection that at one stage there was some discussion about the possible alteration of the line of the western boundary by swopping part of 'the nib of land' with a strip at the rear of the flats, but for some reason this was not pursued with the council's Housing Committee who control all the land. I am of the opinion that my objection to the proposed development could be overcome if the whole of the western boundary of the appeal site was as far away from the dwellings as the present south-western part so that any adverse effects would be minimised and suitable landscaping with extra trees could be provided to screen the appeal site eventually from the upper flats and the first floor of "The Cottage". This is of course entirely a matter for your client and the council to discuss, but in view of the fact the council appear to wish to dispose of the appeal site they might find such an alteration acceptable, although this is of course for their decision.

7. I have examined all the other matters raised in the written representations, but there is nothing of sufficient substance to outweigh those considerations that have led me to my decision that it is necessary to refuse permission for your clients' present proposal.

8. 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 M DANIEL DFC FBIM  
Inspector