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Department of Transport

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CHIEF EXECUTIVE  
OFFICER

13 MAR 1984

Ref. ....  
To .....  
By .....  
Date .....

H A Janes Esq  
1 Hill Crescent  
Totteridge  
LONDON  
N20 8HB

Your reference

PLANNING DEPARTMENT  
Our reference: DISTRICT COUNCIL  
T/APP/A1910/A/83/7542/PH3

3778

Date	12 MAR 84	Ack.
	C.	T.C.
		Admir

13 MAR 1984

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO:- 4/0816/83

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum District Council to refuse planning permission for the change of use of 14 Lawn Lane, Hemel Hempstead to offices and for the formation of an access to a classified road. I have considered the written representations made by you and by the council and also those made by one interested person. I inspected the site on 22 February 1984.
2. From my inspection of the site and its surroundings and from the written representations made I am of the opinion that the main consideration in this case is the impact of the proposed change of use on the character of the area.
3. The site is not within the commercial area of Hemel Hempstead as defined in the deposited Dacorum District Plan; Policy No 53 of that plan states that changes of use of existing buildings to offices will normally only be granted when the premises are within the commercial area. Policy No 90 of the same plan provides that non-shop uses will normally be accepted outside primary shopping frontages "provided that there is no general shortage of shops in the area and that the proportion of non-shop uses in the immediate vicinity is not already excessive".
4. In my opinion the site is outside the commercial area, although by only some 200 m, and is within a "fringe" shopping frontage in which the controlled introduction of non-shop uses is considered by the Council to be acceptable so long as these do not become excessive.
5. The premises are small; the building itself, which is not much more than a shed, has a floor area of about 27 m<sup>2</sup> while the whole site, including the forecourt, comprises some 142 m<sup>2</sup>. In terms of office policy I consider the proposed change of use to be insignificant. The site is separated from the commercial area by little more than the Hemel Hempstead multi-mini roundabout and I do not consider that the granting of planning permission in this case would in any way undermine the District Plan office policy or set an undesirable precedent.
6. As regards the District Plan shopping policy I am satisfied by the evidence that the premises have not been in use as a shop since at least 1953 when it was a Tea Room. Since about 1957 it seems to have been, first, a snack bar and subsequently used for various non-retail purposes ending up in 1981 as a gearbox repair business. There does not seem to be any history of what might be regarded

as a true shop use and its suitability for such a use is, in my opinion, doubtful.

7. Bearing in mind the proximity of the site and of the surrounding area to the main shopping centre of Hemel Hempstead I am of the opinion that it is entirely understandable that this "fringe" shopping frontage is one of very mixed uses, eg shops, but none of them selling food, hairdressers and other Class I uses which are non-retail, cafes etc and offices. Within such a neighbourhood it seems to me that the type of office use which could be accommodated in this very small building would be appropriate and would have no adverse effects on the character of the area. On the contrary I consider it desirable that the premises should be put to beneficial use and their appearance improved as a result.

8. No objection was made to the formation of a vehicular crossover to Lawn Lane, which is a Non-Principal Class I Classified Road (C76), and I see no reason why this should not be permitted.

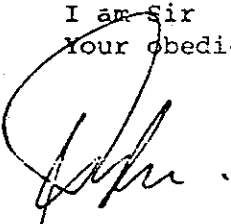
9. I have taken into account all the other matters raised but am of the opinion that there are no sound and clear-cut planning objections to the proposed change of use.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow your appeal and grant planning permission for the change of use of 14 Lawn Lane, Hemel Hempstead to offices and for the formation of an access to a classified road in accordance with the terms of the application (No 4/0816/83) dated 22 June 1983 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

11. The developer's attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

12. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir  
Your obedient Servant



P G TYLER OBE  
Inspector

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

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To M.A. Janes Esq.  
1 Hill Crescent  
Totteridge N20 3HB

.... Change of use to offices, formation of access to .....  
classified road .....  
at 14. Lawn Lane, 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 ..... 22nd June 1983 ..... and received with sufficient particulars on ..... 22nd June 1983 ..... 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 proposed use is contrary to Policy 90 of the deposited Dacorum District Plan inasmuch as it will result in the introduction of an office use within an area where such uses are not formally permitted.
2. The proposed use is contrary to Policy 53 of the deposited Dacorum District Plan which states that planning permission for new offices, extensions to existing offices or change of use of existing buildings to offices will normally only be granted where the proposal is located within the "commercial area" of the town centres of Hemel Hempstead, Berkhamsted and Tring as defined on the 'Proposals Map'.

Dated ..... 11th ..... day of ..... August ..... 19 83 .....

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.