

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To D G Forbes Esq
156 Green Lane
St Albans
Herts

Change of use from retail shop to office

at 67 High Street

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 Undated and received with sufficient particulars on 20th July 1982 amended 28th Sept. 1982 shown on the plan(s) accompanying such application.

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

The proposed development would be contrary to the provisions of policy no. 90 of the deposited Dacorum District Plan inasmuch as the proposal will result in the loss of another shop unit in an area where there already exists a significant number of non-shop uses. Such development would prove detrimental to the appearance and character of the shopping area which lies within the designated Hemel Hempstead High Street Conservation Area.

Dated 30th day of September 1982

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**

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J A Elsom Associates
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22 MAR 1983

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL	
Ref.	Ack.
Our reference	Adm.
C.P.O. T/APP/5252/A/82/11819/G2	
Date	
21 MAR 1983	22 MAR 1983
PLEASE RETURN TO MB FOR COMMITTEE REPORT	

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
YOUR CLIENT: D G FORBES
APPLICATION NO: 4/0890/82

6071

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for a change of use from retail to office use in the ground floor of No 67 High Street, Hemel Hempstead.
2. I have considered the written representations made by you, your client and by the council and, as you know, I inspected the site and its surroundings on 27 January 1983. As a result I have come to the conclusion that the main issues in this case are whether or not the proposed change of use would be detrimental to the appearance and character of the High Street which lies within a designated conservation area, and, secondly, whether or not the project accords with District Plan policy.
3. Policy 90 of the Dacorum District Plan, presently on deposit, states that except on designated primary shopping frontages - and the High Street is not so designated - "non-shop uses will normally be accepted, 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 excessive". The visual impression which I formed during my site visit is confirmed by the numerical analysis presented in your written representations: although many of the existing shops are specialist in character, there is no general shortage of shops in the area and the proportion of non-shop uses along the whole length of the High Street at present is very small. In my opinion, therefore, the proposed change of use is acceptable under the terms of Policy 90.
4. The appeal premises, a Grade II listed building, stands within the Hemel Hempstead High Street Conservation Area so that the direct visual effect of the proposed change of use must be carefully considered. Provided that the shop front is retained, as appears to be proposed, I am satisfied that the proposed use of these premises would not detract from the visual quality of this listed building or from the charming appearance of the High Street as a whole. From the information before me I am of the opinion that the tenant now in prospect would satisfy criterion (i) of Policy 54 of the Dacorum District Plan and consider that occupation of this very narrow frontage as a display and reception area for such a company would not appreciably affect the character of what remains in my view predominantly a shopping street in which, on the council's admission, the demand for retail space is still healthy. In any event this office would be so small that there is little risk of its being occupied by any but a local firm.

5. I have noted all the other matters raised in the written representations but do not find that they outweigh the considerations which have led me to these conclusions.

6. For the reasons set out above, and in exercise of powers transferred to me, I hereby allow your appeal and grant planning permission for a change of use from retail to office use in the ground floor of No 67 High Street, Hemel Hempstead in accordance with the terms of the application (No 4/0890/82) dated 19 July 1982 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.

7. 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. Your attention is drawn to the provision of Section 277A of the Town and Country Planning Act 1971 (inserted into the Act by the Town and Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government Planning and Land Act 1980 which requires consent to be obtained prior to the demolition of any building in a conservation area.

8. Your attention is drawn also to the provisions of paragraph 7 of Schedule 15 of the Local Government Planning and Land Act 1980 which requires a separate application to be made for listed building consent for alterations and extensions to a listed building. This permission does not therefore carry with it listed building consent and a separate application for such consent should be made to the local planning authority before any work is started.

I am Sir

Your obedient Servant



W J C REDPATH DipArch RIBA
Inspector