



# Planning Inspectorate

Department of the Environment

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DEPARTMENT OF THE ENVIRONMENT  
DACORUM COUNCIL

The McCarthy Bainbridge  
Partnership  
Chartered Surveyors  
Brook House  
South Park Road  
Wimbledon, London SW19

Ack.		Your Reference	
TC/PA	DP	D.C.	B.C.
Admin.		File	
Our Reference			
Received		Date	
8RH		10 MAY 1990	
Comments		-9 MAY 90	

T/APP/A1910/A/90/  
146316/P5

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY:-M6 DIESEL SERVICES LTD.  
APPLICATION NO:-4/0900/89

1. As you know I have been appointed by the Secretary of State for the Environment to determine this appeal. This is against the decision of the Dacorum District Council to refuse planning permission for the extension of a forecourt at the Flamstead Filling Station, Watling Street, Flamstead, Hertfordshire. I have considered the written representations made by you and the council. I inspected the site on 4 April 1990.

2. From these representations and my inspection of the appeal site and surroundings I consider that the main issue in this case is whether the forecourt extension would cause serious visual harm to the surrounding area.

3. The filling station is situated in open countryside just outside the Metropolitan Green Belt. However, while the filling station is undoubtedly in a rural area it is situated on the A5 road and is quite close to junction 9 on the M1 motorway. Just to the east of the appeal premises is a transport cafe and this is surrounded by an extensive parking area where large numbers of heavy commercial trucks come and go. To the south on the other side of the A5, is a market garden which has several polythene greenhouses visible. To the west and about 500m away, are some derelict workshop buildings. Travelling westwards along the A5 towards Dunstable the landscape is very pleasant and relatively unspoilt.

4. I can well understand the council's concern about the dereliction of the area close by the Motorway and its aim to try and check this. It would seem that a landscaping condition was imposed on an earlier planning permission for the petrol filling station or for works carried out to it some years ago. However, in my view the area it is proposed to alter makes little or no visual contribution to the surrounding area and paving it over would have little appreciable effect on the appearance either of the filling station itself or on the adjoining countryside.

5. I have taken into account all the other matters raised but none of these has been of sufficient weight to override the considerations which have led me to my conclusion.



6. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the extension of the forecourt at the Flamstead Filling Station, Watling Street, Flamstead in accordance with the terms of the application (No 4/0900/89 dated 8 May 1989) and the plans submitted therewith, subject to the condition that the development hereby permitted is commenced within 5 years of the date of this letter.

7. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the statutory period.

8. 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 gentlemen  
Your Obedient Servant

EB. Williams.

E.B. WILLIAMS DipTP ARICS MRTPI  
Inspector

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



## DACORUM BOROUGH COUNCIL

To M6 Diesel Services Ltd  
Watling Street Filling Station  
Flamstead  
Herts

McCarthy Bainbridge Partnership  
Brook House  
South Park Road  
London SW19 8RR

..... Extension to forecourt.....  
.....  
at .... Flamstead Filling Station.....  
..... Watling Street Flamstead.....

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 ..... 18 May 1989 ..... and received with sufficient particulars on ..... 18 May 1989 ..... and shown on the plan(s) accompanying such application.

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

The site is within the rural area beyond the Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area of small-scale facilities for participatory sport or recreation. No such need has been proven and the proposed development, which will further urbanise the area and detract from the rural character of the environment is unacceptable in the terms of this policy.

Dated ... Seventeenth ..... day of ..... August ..... 1989

Signed.....

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

### NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.