



# The Planning Inspectorate

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*Noted*

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|-------------------------|--|--|--|--|--|
| PLANNING DEPARTMENT     |  |  |  |  |  |
| DACORUM BOROUGH COUNCIL |  |  |  |  |  |

Trevor Edwards

1 Willow Lane

AMERSHAM

Bucks

HP7 9DW

-8 JAN 1998

Ask.

Admin.

File

Your Ref:

529/97

Council Ref:

4/0915/97ENA

Our Ref:

T/APP/C/97/A/910/647456

Date:

-7 JAN 1998

*Revised file*

Dear Mr Edwards

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6  
PLANNING AND COMPENSATION ACT 1991  
APPEAL BY MR D R JOHNSON  
LAND AT BRIDGE GARAGE, RIVERSEND ROAD, HEMEL HEMPSTEAD**

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeal against an enforcement notice issued by Dacorum Borough Council concerning the above-mentioned property. I have considered the written representations made by you and the Council and I inspected the site on 16 December 1997.

**The Notice and Ground of Appeal**

2. (1) The notice was issued on 25 April 1997.
  - (2) The breach of planning control as alleged in the notice is, without planning permission, the erection of a single storey timber extension hatched blue on the attached plan, to the Bridge Garage, Riversend Road, Hemel Hempstead.
  - (3) The requirements of the notice are 1. Dismantle the timber building hatched blue on the attached plan, and 2. permanently remove the materials from the site.
  - (4) The period for compliance with this requirement is 3 months.
3. Your client's appeal is proceeding on ground (a) as set out in Section 174(2) of the 1990 Act as amended by the Planning and Compensation Act 1991.

**The Main Issue**

4. I consider that the main issue raised by this appeal is whether the timber building concerned leads to a loss of parking space at the appeal premises, thereby aggravating on-street parking problems in the locality, to the detriment of highway safety.

5. The timber building has, according to the Council, a floorspace of 28sq.m. They argue that it occupies an area that would otherwise be available for car parking purposes and that it is therefore contrary to policies of the statutory development plan. The most relevant policies, in my view, are 8(a) and (g) of the adopted local plan, relating to site coverage and parking and 9 relating to environmental guidelines which normally have to be met. One of these guidelines relates to parking requirements and various standards are set out. Policy 28(iv) is also relevant. It relates to general employment areas and the need to have regard to highway impact.

6. Your case is that while the timber building does occupy a parking space it is used for preparing cars prior to sale. You say that the building does not bring in extra vehicles. Its purpose is for the cleaning of vehicles that are already on the site, an activity that was carried out in the open before the building was erected. Thus you consider that the building has no effect on on-street parking.

7. I note that the Council acknowledge that the building is used as a car preparation and valeting area. This appeared to me to be so when I inspected the building. It contained very little equipment or machinery being a simple, mainly empty shed. The Council do not argue that car preparation is a new activity facilitated by the erection of the building. Providing the building continues to be used for car preparation purposes, or for parking, I cannot see how it would lead to more cars being parked on the site. Concern about highway congestion or safety is not, therefore, in my view, well-founded.

8. I have had regard to the Council's estimate of parking requirements for the garage based on the local plan's environmental guidelines but these do not, in my view, have much direct relevance to this appeal because I am unconvinced that the timber building has led to any extra on-street parking. Nonetheless I did observe during my site inspection that there is significant on-street parking in the locality. This could be aggravated if the timber building were to be used for purposes such as storage.

9. My conclusion is that planning permission ought to be granted but subject to a condition that the use of the building shall be limited to car preparation, valeting and parking. In this way I consider that the building would not lead to further on-street parking and would be acceptable in terms of local plan policy. The appeal on ground (a) therefore succeeds.

10. I have considered all the other matters referred to in the representations but none lead me to alter my conclusions on this appeal.

### **Formal Decision**

11. For the above reasons and in exercise of the powers transferred to me I allow your client's appeal and quash the enforcement notice. I hereby grant planning permission on the application deemed to have been made under Section 177(5) of the amended Act for the development already carried out, namely the erection of a single storey timber extension on land at Bridge Garage, Riversend Road, Hemel Hempstead, as referred to in the notice, subject to the condition that the building hereby permitted shall only be used for the purposes of car preparation, valeting and parking and for no other purpose.

12. This decision does not convey any approval or consent required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

### **Right of Appeal**

13. This letter is issued as the determination of the appeal before me. Particulars of the right of appeal against my decision to the High Court are enclosed for those concerned.

Yours faithfully

*P. A. Taylor*

P A TAYLOR BSc(Hons) DipTP MRTPI  
Inspector