

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

~~THE DISTRICT COUNCIL OF~~ HERTFORDSHIRE COUNTY COUNCIL~~IN THE COUNTY OF HERTFORD~~

To Fuller Hall & Foulsham
53 Marlowes, Hemel Hempstead
Herts

Erection of Office Block

at Brook Street, Tring

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 August 10, 1977 and received with sufficient particulars on September 1, 1977 and shown on the plan(s) accompanying such application.

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

1. Policy No.3 of the submitted County Structure Plan written statement states that where a significant increase in employment is proposed permission will be refused unless it can be proven to the satisfaction of the Local Planning Authorities that it is essential in the national or regional interest and desirable in the local interest for that activity to be located in the County. This application, which involves a significant employment increase, is not supported by evidence of such need and is therefore unacceptable in the terms of this policy.
2. The proposed development does not accord with the provisions of Policy No.6 of the submitted County Structure Plan written statement which states that office development will be restricted to existing commitments at January 1976. The floorspace proposed far exceeds the office commitment established by application 4/0878-74.

Dated 24th day of November 1977

Signed *John King* County Secretary

Designation

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, Whitehall, London, S.W.1.) 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

Eastern Region

Charles House 375 Kensington High Street London W14 8QH

Telephone 01-603 3444 ext 144

Noted at D C Ctee 22/3.

CHIEF EXECUTIVE


- 6 MAR 1979

Messrs Fuller Hall & Foulsham
53 Marlowes
Hemel Hempstead
Hertfordshire HP1 1LL

10211

Your reference
RMS/DPK/2450

Our reference
APP/5252/A/78/04420

Date 6 MAR 1979	
TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
	- 6 MAR 1979
FILE No.	DATE

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36
APPEAL BY JOSEPH DRIVER (BUILDING) LIMITED
APPLICATION NO. 4/0925-77 RD

1. I am directed by the Secretary of State for the Environment to refer to your clients' appeal against the decision of the Hertfordshire County Council to refuse planning permission for the erection of a 3/4 storey office building with associated car parking facilities and landscaping on land adjacent to the fire station on the west side of Brook Street, Tring, Hertfordshire.
2. The written representations made in support of the appeal together with those of the council and other interested parties have been considered. An officer of the Department has visited the site.
3. The roughly rectangular appeal site of some 0.8 acres is situated on the west side of Brook Street (B488) on the north-east edge of Tring. It has a frontage of some 140 feet to Brook Street and comprises, apart from a fenced off hardstanding in the south-east part of the site, mainly rough grass, weeds and small bushes; the western end of the site is at a lower level. Immediately to the north of the site is a newly built cul-de-sac housing development; to the west open space; to the south, the buildings and practice tower of the fire station and to the east, on the opposite side of the road, a Victorian house. Brook Street in the vicinity of the appeal site has a carriageway some 20 feet wide with a footpath on the west side and is subject to a 30 mph speed restriction.
4. It is noted that in the approved County Development Plan the appeal site is shown as being within an area allocated primarily for industrial purposes whilst in the non-statutory interim policy document "Hertfordshire 1981" the appeal site is shown to be within an area allocated primarily for residential use.
5. The proposals contained in the submitted Hertfordshire Structure Plan generally advocate a policy of restraint on growth. With regard to office development it is proposed that planning permission will normally only be granted if there is a specific local, regional or national need for the development within the area, or if there are exceptional circumstances. It is generally considered that these policies should be supported.
6. While it is appreciated that there is an extant planning permission for small scale office development on the appeal site, the view is taken that the present proposals for the erection of a significantly larger office block conflict with the Structure Plan policies, and no special circumstances have been advanced on behalf of your clients which would justify overriding these policies.

7. Furthermore, as the proposed development is both longer and wider than that for which planning permission has already been granted it is considered that it will have a greater impact on the locality. It is also noted that the car parking provision is below the standard set by the council.

8. All the arguments submitted in support of your clients' appeal have been carefully considered, but it is concluded that none are sufficient to justify overriding the County Council's decision.

9. Therefore the Secretary of State hereby dismisses your clients' appeal.

I am Gentlemen
Your obedient Servant

D A WARREN
Authorised by the Secretary of State
to sign in that behalf

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971).

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is the Secretary of State or Inspector, as the case may be, has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No 419), which relate to the procedure on cases dealt with by the Secretary of State, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No 420), which relate to the procedure on appeals transferred to Inspectors.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.