



**Department of the Environment and
Department of Transport
Common Services**

Room 1410, Tollgate House, Houlton Street, Bristol BS2 9DJ

Telex 449321

PLANNING DEPARTMENT
DACORUM DISTRICT Direct line 0272-218 938
Switchboard 0272-218811

**CHIEF EXECUTIVE
OFFICER**

17 DEC 1986

File Ref.
Refer to CPO 17/12
Closed

Miss F.G.Strong Brampton House Flamstead St Albans Herts AL3 8DR	Ref.				Ack. Council ref 4/0929/86E/GPB	
	C.P.O.	D.P.	D.C.	B.C.	Admin.	File Your reference
	Received 17 DEC 1986					Our reference T/APP/A1910/C/86/2350/P6
	Comments					Date 16 DEC 86

Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
LAND AND BUILDINGS AT 15 HIGH STREET FLAMSTEAD, HERTFORDSHIRE

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against an enforcement notice issued on 2 June 1986 by Dacorum Borough Council concerning the above land and buildings. I have considered all the representations made by you and by the Council, and also those made by Flamstead Parish Council and interested persons. I inspected the site on 8 December 1986.
2.
 - a. The breach of planning control alleged is the making of a material change of use of the premises to office use.
 - b. The requirement is to cease the use of the premises as offices.
 - c. The period for compliance is three months.
 - d. The appeal was made on grounds 88(2)(a) and (h).
3. In summary, the notice is being upheld and planning permission is not being granted, but more time to comply is being allowed.
4. I appreciate the circumstances in which you found it necessary to make this change of use at short notice, and that your original intention had been merely to move from your present house into the appeal premises and continue to run your consultancy business from one room there. Yours is a small but thriving business which appears to be growing satisfactorily, and which employs six staff, four of whom live in Flamstead. The remaining two come from Hemel Hempstead nearby. Having seen the house and its surroundings I agree that it has been well restored and fits in well with the Conservation Area within which it stands. I see no reason why the land in front of the house should not be laid with gravel rather than retained as a garden - this is a choice which could be exercised by a person living in the house as much as by the business which now occupies it. I also accept that an office use of this type is unlikely to cause disturbance or attract too much traffic, and that the parking arrangements ensure that the village street would not be cluttered with more parked cars.
5. In short, I can see no practical objection to this development; the real issue is that of policy, and how it should be applied in your case. Of those policies it appears to me that the Green Belt is the least relevant. The site is

in the middle of the village, and the building is already there, so I do not consider that this development is in conflict with the generally accepted objectives which that policy was designed to achieve.

6. The relevant policies are Policies 53, 54 and 56 of the adopted District Plan, which govern office development. Policy 53, in essence, confines new office development, which yours is, to the commercial area of the town centres of Hemel Hempstead, Berkhamsted and Tring. Policy 54 includes the exceptions which may be made to Policy 53, and Policy 56 normally requires refusal of applications for office development which result in loss of housing. Your office use of this house does not fall within any of these policies, except that it provides employment - but even then it is not clear that there is a local need in Flamstead for extra employment.

7. The reason for these policies is explained in the Plan. It is that demand for offices in the County has been greater than the suitable labour supply, leading to increased pressure for more houses. The plan goes on to explain that offices will not normally be acceptable in villages unless it can be shown that an exceptional and local need has been identified, and where the proposal would not create pressure for additional housing. Although your business is not related to a particular local need, it seems to me unlikely that it would generate demand for more housing, apart from taking one house out of use altogether. The plan goes on to explain that office development which would result in loss of residential accommodation will normally be refused in order to minimise loss of District housing stock. Although you say that this house would now sell for a high price, I do not consider that this means that it cannot be regarded as part of the housing stock - which in a balanced community should include houses of all types.

8. Circular 14/85 explains that development plans are one, but only one of the material considerations to be taken into account in dealing with planning applications. It goes on to say that many development plans were approved several years ago, were based on even earlier information and do not relate to to-day's conditions. They cannot be expected to anticipate every need or opportunity for economic development which may arise. They should not be regarded as overriding, especially where the plan, among other things, is no longer relevant to to-day's needs and conditions - particularly the need to encourage employment and to provide the right conditions for economic growth. This is an important statement, but I do not think it can be said that the District Plan, adopted in January 1984, is too old to be relevant. The needs of the economy were already well expressed in Departmental Circulars some four years before this, in Circular 22/80, and I have no doubt that this was properly considered when the Plan was being prepared. So I must conclude that the three District Plan policies cited are relevant to the needs of the District to-day, and cannot lightly be set aside.

9. More recently Circular 2/86, concerning Development by Small Businesses has been issued. Dealing with locations for small firms it suggests that development plan policies should state clearly where in the plan area the various kinds of business can readily locate. It seems to me that the Local Plan indeed does this, and the Council also keeps lists of available accommodation, in order to help businesses find suitable locations. All in all, therefore, I consider that the Council's policies are reasonable and necessary, and that they take proper account of business needs in accordance with Government policy. If I were to override these policies in this case it would seriously undermine them. There

is, I understand, already another office development in another house in the village, and in my view it would be quite impossible for the Council to prevent further loss of housing, or to resist other office development which required staff imported from elsewhere, thus adding to housing demand in the village. I must therefore support the Council's policies for office development and refuse to grant planning permission. The appeal on ground (a) fails.

10. You point out the difficulties of finding alternative accommodation and moving out in 3 months, and I am sure that this would be so. Although permission cannot be granted it is also reasonable to assist the growth of the business as far as possible. I am therefore extending the period for compliance with the notice to eighteen months to enable a move to be made with the minimum disruption. Your appeal on ground (h) therefore succeeds.

FORMAL DECISION

11. In exercise of the powers transferred to me and for the reasons given above I hereby direct that the period for compliance with the notice be varied by substituting in the paragraph beginning "NOTICE IS HEREBY GIVEN" the words "eighteen months" for "three months". Subject to this variation I dismiss the appeal, uphold the notice and refuse to grant planning permission on the application deemed to have been made under section 88B(3) of the Act of 1971 as amended.

RIGHT OF APPEAL

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

I am Madam
Your obedient Servant



E.D. CREW CB DSO DFC MA FRAeS
Inspector