



Planning Inspectorate
Department of the Environment

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B/871/SM/P

Export Expansion Ltd
64 High Street
BOVINGDON
Herts
HP3 OHS

PLANNING DEPARTMENT						Your reference	
DACORUM BOROUGH COUNCIL							
Ref.						Ack.	
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	Our reference
Received						Date	
11 JUN 1990							
Comments							

T/APP/A1910/A/90/147002/P8

-8 JUN 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/0935/89

1. I have been appointed by the Secretary of State for the Environment to determine your appeal which is against the decision of the Dacorum Borough Council to grant full planning permission, subject to conditions, for the resumption of the previous office use of the ground floor and change of use of first floor of 64 High Street, Bovington. I have considered the written representations made by you, the Council and Bovington Parish Council. I inspected the site on 16 May 1990.
2. Although in the past the appeal premises were partially used as offices, I have considered your appeal in the light of the 1973 permission for a residential use which was implemented and the premises subsequently used wholly for that purpose for some 16 years prior to your purchase of the house. From my inspection of the site and surroundings, and consideration of the representations made, it seems to me the main issues to be determined are whether a permanent office permission, not subject to conditions, would lead to an undesirable loss of a dwelling and conflict with the policies applicable by the Council, or would cause disturbance to people living nearby.
3. The policy considerations relevant in this case are Nos 53 and 61 of the Local Plan. Policy 61 stresses the high demand for residential accommodation, coupled with a growth restraint in the Green Belt policies, and seeks to prevent the change of use of existing residential properties. Policy 53 aims to direct offices towards the commercial centres of nearby towns.
4. It seems to me that the development and strengthening of the various planning policies that have taken place in the intervening years since No 64 was partially used as an office, should carry considerable weight in the outcome of your appeal. The appeal property is located in a length of residential frontages between the more commercial activities taking place at either end of the High Street, and although next to an isolated Post Office, it does not seem to me that this would warrant overriding the aims of the Local Plan policies, which have completed their statutory process.
5. I note that No 64 was on the market for a considerable time before you decided to purchase it but, whilst the housing market has lost some of its previous buoyancy, this does not indicate that No 64 is less suitable as residential accommodation. It has rooms of a good size with full facilities and a large garden and in my view would make suitable residential accommodation. Placed centrally in the village close to shops, bus service etc, to my mind, supports a residential use rather than detracting from the property as you argue in your representations.

6. Whilst the loss of one dwelling may not be of great significance when measured against the region's housing stock, I am concerned on the cumulative effect of similar proposals in undermining the objectives set by the Council, and that a permission in this instance would make it difficult for the Council to resist similar proposals in the future. To my mind this is particularly important when a family house is provided with a comparatively large rear garden and other facilities, bearing in mind national policy to encourage home ownership requires that a full range of types of dwellings should be available.

7. National advice in PPG4 makes it plain that an office use, such as you propose, could well take place in a residential area without causing disturbance. However, in this instance, it seems to me that the parking of cars at the front of the building next to the shared boundary, and the living room of No 66 that is immediately adjacent to it, would cause disturbance, both by noise and fumes, for people living there.

8. I can appreciate that you would find the location convenient for your business and you have been established in Bovingdon for some time employing local people. However, it seems to me that with the nature of your business, and its wider international connections, it is not so essential that you are located in the village that it would warrant overriding the control policies. The Council, by granting permission conditionally, have recognised your immediate needs in allowing you time to find alternative accommodation, but seek in the long term to protect both the housing stock and the quality of the environment for the residents of mixed, but mainly residential, areas.

9. I have come to the conclusion that a permanent office use in the appeal premises, unrelated to local needs or providing a local service and particularly as it would be unneighbourly and involve the loss of a dwelling, conflicts with the objectives of the Local Plan. Therefore, your appeal should not succeed.

10. I have taken into account all the matters raised in the representations, including your representations on the monies spent on the appeal property, but do not find them of such strength as to affect my decision.

11. For the above reasons and in exercise of the powers transferred to me I hereby dismiss your appeal.

I am Gentlemen
Your obedient Servant



T R W ROBERTS RIBA DipTP MRTPI
Inspector

SAH

Town Planning 4/0935/89
Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF **DACORUM**

IN THE COUNTY OF HERTFORD

To **Export Expansion Ltd**
58 High Street
Bovingdon
Herts

.....	Change of use from Residential to Offices
.....
at	64 High Street, Bovingdon
.....

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 permit the development proposed by you in your application dated **24 May 1989** and received with sufficient particulars on **24 May 1989** and shown on the plan(s) accompanying such application, subject to the following conditions:—

(1) The development to which this permission relates shall be begun within a period of years commencing on the date of this notice.

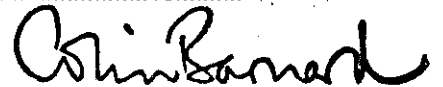
1. This permission is granted for a limited period only expiring on 31 December 1992. At the expiration of this period the office use hereby permitted shall cease.
2. The use hereby permitted shall be carried on only by Export Expansion Ltd

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

XXXX To comply with the requirements of Section 241 of the Town & Country Planning Act, 1971. XXXX

1. To enable the company to find alternative and more suitable office accommodation and to ensure that the property returns to residential use when the office use ceases.
2. To enable the company to find alternative and more suitable office accommodation and to ensure that the property returns to residential use when the office use ceases.

Dated.....Twentieth.....day of.....July.....19 89



Signed.....

Designation 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, Marsham Street, 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 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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.