



## Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

GTN 1374

317

Halls Commercial  
Commercial Agents & Valuers  
8 Spencer Street  
ST ALBANS  
Herts  
AL3 5EG

Your Reference:

THJ/CMP/498

Our Reference:

T/APP/A1910/A/90/153587/P

Date: 20 JUN 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR D P CLOUT  
APPLICATION NO: 4/0957/89

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission for a replacement industrial building at Unit 30, Bourne End Mills, Bourne End, Hemel Hempstead. I have considered the written representations on these proposals made by you and the council. I inspected the site on 12 June 1990.
2. From what I have seen and read I consider that the main issue in this appeal is whether the proposed split of parking between the appeal site and the present general area for allocated car parking at the Bourne End Mills complex would be likely to cause serious local parking or traffic problems.
3. The council have no objection to the siting and design of the proposed building, despite its presence within the Metropolitan Green Belt, except insofar as your client's total site is insufficient in size to allow more than 2 parking spaces. I note that a previous application for a replacement building was refused on grounds of inadequate parking and additional traffic movements.
4. Building new and larger premises would allow your client to take deliveries of raw materials for his steel fabrication business at less frequent intervals than now. These materials come on large lorries, and I saw how the narrow width of Bourne End Lane makes it highly desirable to reduce to a minimum the number of vehicles of any size in the area. In this respect I believe that the proposals would result in an improvement to the present position.
5. On the main issue I identified, the council say that the proposed building would require 5 parking spaces, using current council standards. You say that your client has negotiated a lease of 3 allocated spaces on the communal car park at the complex, and I saw on



my visit that this is a large and prominent facility. The owners of the car park say that they see no reason why the spaces should not be available for the foreseeable future.

6. On this last point the council say that there is no guarantee that the car park will be a permanent feature on the estate, and that there is every prospect that development will take place in time. However, the site is within the Green Belt and it would not be in line with established national or local planning policies for existing uses in such areas to be significantly expanded. In any event, I consider it unlikely that any responsible council would allow expansion of premises like the Bourne End Mills Complex without taking due account of the overall parking situation. While I appreciate fully the council's unwillingness to compromise on parking standards, I consider that the particular circumstances of this case make it very unlikely that granting planning permission would lead to serious parking problems.

7. In your representations you state that the new building is required in large part to enable steelwork to be stored securely on site. You will be aware that, when your client's application was reported to the council, the officers' recommendation was that it should be given approval, subject to a specific condition that not less than 75 sq m of the total floor area of the building should be used only for storage. In this context, the existing building has a total floor area of 75.85 sq m, and the proposed building 178.125 sq m. I consider that, in the circumstances of a Green Belt location and technical parking deficiencies, such a condition would be an effective guarantee that the use of the site would be kept within tolerable levels of activity.

8. I have taken into account all other matters raised in the representations, but they do not outweigh the planning considerations that have led to my decision.

9. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for a replacement industrial building at Unit 30, Bourne End Mills, Bourne End, Hemel Hempstead, in accordance with the terms of the application (No: 4/0957/89) dated 25 May 1989 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;

2. notwithstanding the provisions of Class B, Part 3 of Schedule 2 of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) not less than 75 sq m of the total floor area of the building shall be used only for storage purposes ancillary to the main function of the building.

10. 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 consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period. The developer's attention is drawn to the enclosed note relating to the requirements of The Buildings (Disabled People) Regulations 1987.

11. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen  
Your obedient Servant

*C J Hoile*

C J HOILE MA(Oxon) DipTP MRTPI  
Inspector

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



## DACORUM BOROUGH COUNCIL

To Mr D Clout  
DPC Engineering  
Unit 30  
Wards End Estate  
Bourne End  
Hemel Hempstead Herts

Mr J G & Mrs D M Lewis  
117 Chambersbury Lane  
Hemel Hempstead,  
Herts HP3 8BE

..... Replacement industrial building .....

.....

at Unit 30, Bourne End Mills, .....

..... Bourne End, Hemel Hempstead .....

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 ..... 25 May 1989 ..... and received with sufficient particulars on ..... 30 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:—

There is inadequate provision for permanent vehicle parking spaces within the long term control of the applicant to meet the standards adopted by the local planning authority.

Dated ..... 19th ..... day of ..... October ..... 19 89

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.