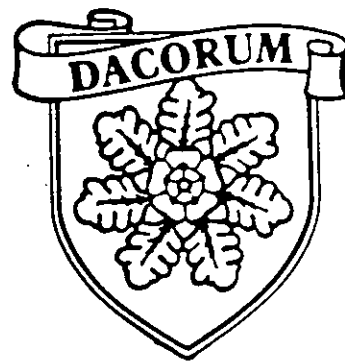


TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0960/92

Fleet Posters Ltd  
Johnston House Johnston Rd  
Woodford Green  
Essex  
IG8 OXA

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

Chiswell Pools, 126 Hempstead Rd, Kings Langley

NON ILLUMINATED ADVERTISING HOARDINGS

Your application for *advertisement consent* dated 27.07.1992 and received on 28.07.1992 has been **REFUSED**, for the reasons set out on the attached sheet(s).

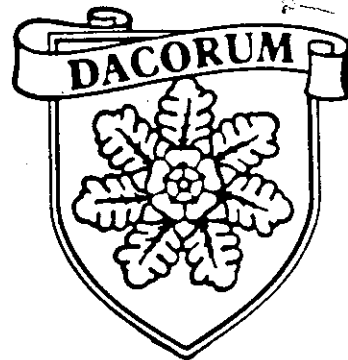
Director of Planning

Date of Decision: 08.09.1992

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0960/92

Date of Decision: 08.09.1992



The application site is located within an Area of Special Control and non-illuminated advertisement hoardings may not be displayed in such an area, by virtue of the Town and Country Planning (Control of Advertisements) Regulations 1992.

**NORTHGATE  
DOCUMENT STAMPED  
TO ENSURE DETECTION  
BY SCANNER**



# DEPARTMENT OF THE ENVIRONMENT

Room TX308  
Tollgate House Houlton Street Bristol BS2 9DJ  
Telex 449321

Direct Line: 0272-218-612  
Switchboard: 0272-218811  
GTN: 1374

1) *[Signature]*  
2) *[Signature]*  
3) *[Signature]*

CHIEF EXECUTIVE  
DACORUM DC  
CIVIC CENTRE  
MARLOWES  
HEMEL HEMPSTEAD  
HERTS. HP1 1HH

Your reference  
4/0960/92AD  
Our reference  
APP/A1910/H/92/1440  
Date  
31 MAR 1993

Dear Sir/Madam

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS  
1992  
APPEAL: 126 HEMPSTEAD ROAD, KINGS LANGLEY

I enclose herewith a copy of the Department's letter giving the Secretary of State's decision on the appeal to which it refers.

Yours faithfully

*P. Kozak*

MR P KOZAK  
Planning & Development Control Division 2

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.					Ack.	
D.P.	T.O.P.M.	D.I.	D.C.	B.C.	Adm.	Fin.
Received 1 APR 1993						
Comments The Secretary of State's decision letter does not appear to address the issue of whether or not consent could validly be granted for this advertisement in an A.S.C. However, I don't think we will seek to challenge the decision.						

ENC

ADVT 6

EXECUTIVE OFFICER	
11/4	
Refer to	11/4
Forwarded	



cvmk

# Department of the Environment

Room TX308  
Tollgate House  
Houlton Street  
Bristol BS2 9DL

Direct Line 0272 218577  
Divisional Enquiries 0272  
Fax Number 0272  
GTN Code 1374

C J Young  
117 Rush Hill  
Bath  
Avon  
BS2 2PT

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.				Ack.		
DoP	T.C.P.M.	D.F.	D.C.	B.C.	Admin.	File
Received				1 APR 1993		
Comments						

Your ref

Our ref

APP/A1910/H/92/1440

Date

31 MAR 1993

Sir

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)  
REGULATIONS 1992  
APPEAL: 126 HEMPSTEAD ROAD, KINGS LANGLEY  
APPLICATION NO: 4/0960/92

1. I am directed by the Secretary of State for the Environment to refer to the appeal of your clients, Fleet Posters Limited, against Dacorum District Council's refusal to permit the display, at the above-mentioned site, of two 48-sheet poster panels. The submissions of the parties to the appeal have been considered and an officer of the Department has inspected the site which lies within an Area of Special Control of Advertisements in accordance with an order made under Regulation 18 of the Town and Country Planning (Control of Advertisements) Regulations and approved by the Secretary of State.
2. The general descriptions of the appeal site, its surroundings and the appeal proposals, as contained in the Council's statement forwarded on 24 November 1992, are accepted.
3. At the time of the site inspection the poster panels were displayed.
4. The Council have drawn attention to their advertisement control policies which have been taken into account as a material consideration in the determination of this appeal. However, as the Regulations require that the Council, and the Secretary of State on appeal, shall exercise their powers only in the interests of amenity and, where applicable, public safety, taking account of any material factors, it is not considered that the Council's policies should, by themselves, be decisive in the determination of the appeal.



5. The appeal site is in commercial use in an area of mixed residential and commercial uses. It is also within an area of Special Control of Advertisements where it is important to ensure that advertisements do not spoil the appearance of the area. The appeal site, located immediately to the south-west of a railway line which runs along an embankment, comprises a fenced area in use as a builders' yard, to the south of which are other commercial properties and a petrol station: all this triangular area lies between the railway line and Hempstead Road. To the north-west across Hempstead Road there is residential development while to the south-west across Hempstead Road there is wooded land. The appeal poster panels are positioned at the foot of the railway embankment and are on supporting structures to appear above the fenced site. The railway embankment is covered with various types of vegetation including shrubs and small trees, there being large mature trees to the immediate north-west. The view is taken that, because of their large approximate sizes of 6 m x 3 m and their overall heights of over 5.2 m, the panels stand up as very prominent and intrusive features which, in particular, obscure or detract from the scene of greenery along the railway embankment immediately behind. It is accepted that the immediate vicinity is in commercial use but it is nevertheless felt that the presence of such large panels detracts from the greenery on the embankment and also from the pleasant scene across Hempstead Road. It is concluded, therefore, that the display is incompatible with the special status of the area and detrimental to the interests of amenity.

6. Accordingly, the Secretary of State dismisses the appeal.

I am Sir  
Your obedient Servant



P PASCOE  
Authorised by the Secretary of State  
to sign in that behalf

Department of the Environment  
Tollgate House  
Houlton Street  
Bristol  
BS2 9DJ

**TOWN AND COUNTRY ACT 1990**

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENT) REGULATIONS  
1992**

**APPEAL TO THE HIGH COURT - APPLICABLE TO ALL APPEALS**

1. Under the provisions of Section 288 of the Town and Country Planning Act 1990 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 of the accompanying letter.

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

- a) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or
- b) that any of the relevant requirements have not been complied with, and that the applicant's interests have been substantially prejudiced by the failure to comply.

3. The "relevant requirements" are defined in Section 288 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 (Control of Advertisements) Regulations 1992 and the Town and Country Planning (Inquiries Procedure) Rules 1974.

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

**INSPECTION OF DOCUMENTS - APPLICABLE ONLY TO APPEALS WHICH WERE  
THE SUBJECT OF A HEARING**

5. Under the provisions of Rule 13(3) of the Town and Country Planning (Inquiries Procedure) Rules 1974 any person entitled to be notified of the decision given in the letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, or the supply to him of the report, whichever is the later, for an opportunity of inspecting any documents, photographs, and plans appended to the report. Such documents etc, are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference No. shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days notice should be given, if possible.