

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM
 IN THE COUNTY OF HERTFORD

To **Citadel Insurance Consultants Ltd.,**
10/12 Lawn Lane,
HEMEL HEMPSTEAD,
Herts.

Messrs. Smeathmans,
10 Queensway,
HEMEL HEMPSTEAD,
Herts.

Change of use of ground floor from retail to office

at **13 Marlowes, 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 **22nd August, 1978,** and received with sufficient particulars on **23rd August, 1978,** and shown on the plan(s) accompanying such application.

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

The proposed use of the premises as an insurance broker's office would be contrary to the allocation of the area on the approved County Development Plan as "primarily residential use with shopping frontage only" and result in loss of a further retail outlet.

Dated **5th** day of **October,** 19**78.**

Signed



Designation **Director of Technical Services.**

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

Room 1320

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Messrs Andrew Welch and Co
56/58 Hastings Street
LUTON
Beds
LU1 5BE

Your reference

ANCW/VLD

Our reference

T/APP/5252/A/79/1623/G6

Date

26 JUL 1979

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY CITADEL INSURANCE CONSULTANTS LTD
APPLICATION NO:- 4/0967/78

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the change of use from retail to office of the ground floor of premises at 13 Marlowes, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by the Dacorum Chamber of Trade and Commerce. I inspected the premises on 9 July 1979.
2. From the representations made, and my inspection of the appeal premises and the surroundings area, I am of the opinion that the decision turns on the question of whether the proposed use would have an unacceptable effect on the character and purpose of the locality.
3. The appeal premises, an unoccupied double fronted shop, form the ground floor of a section of terrace with residential accommodation above. The terrace is part of an area allocated in the approved County Development Plan primarily for residential use with a shopping frontage and is situated at the end of a principal shopping street in Hemel Hempstead. In some 16 units in the locality there appeared to be about 50% which are at present in use as shops, the remainder being used for purposes classed as offices, or as restaurants or for the sale of take-away foods.
4. I note that there are limited parking facilities in the vicinity of the appeal premises and that there is only pedestrian access to their rear. I note also your argument that your client's business would not result in any reduction in the flow of pedestrians to this shopping area, and that the premises are not suited to the demands of modern retail trading. It is clear that the Council or their predecessors have in the past permitted a number of changes from Class I to Class II uses. But in my opinion, this terrace of shops is well placed to serve the needs of residents in this locality of Hemel Hempstead, and the dilution of shopping uses by other uses is so severe that I consider there is a danger of this main purpose being lost. There appears to be no evidence of substance that the retail traders in this terrace suffer unsurmountable problems in regard to matters such as trade deliveries. I take the view that the loss of another unit to a non-retail shopping use would adversely affect the appearance and character of this parade of shops and would be unacceptable.

5. I have considered all the other matters raised, including the history of failures of retail businesses on this part of Marlowes and the fact that your clients are a local firm, but in my opinion they are not strong enough to outweigh the considerations that have led me to my decision.

6. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'A H Gibb', with a long horizontal flourish extending to the right.

A H GIBB MBIM
Inspector