



The Planning Inspectorate

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PLANNING DEPARTMENT						
GTNACORUM BOROUGH COUNCIL						
Ref. 1374						
DoP	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
Received 11 AUG 1995						
Your reference						
Comments						
Our reference						
T/APP/A1910/A/95/249710/P8						
Date 10 AUG 1995						

M R Hick Esq BSc (Hons) ARICS
Robert Wetherill & Co
16A Station Road
Long Marston
TRING
Hertfordshire
HP23 4QS

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR KEVIN CATERER
APPLICATION NO:- 4/0983/94

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for change of use from light industrial (Use Class B1(c)) to motor repairs at Keens Yard, Miswell Lane, and rear of Western Road, Tring, Hertfordshire. I have considered the representations made by you and by the Council, and those made by the interested persons, including Tring Town Council. I have also considered those representations made direct to the Council prior to the determination of the application, copies of which have been sent to me. I inspected the site on Tuesday 18th July 1995.

2. The appeal site is located in the commercial backland to the north-west of Western Road and is served by a narrow unmade track from Miswell Lane which also serves a number of other commercial premises. This access also runs along the ends of the rear gardens of residential properties in Goldfield Road. The premises are located between the Post Office sorting office and another yard used for vehicle parking, repairing, and spraying. Fronting Western Road adjacent is a yard used for removals, storage and as a solid fuel merchant.

3. The appeal site contains a single building and an open area used for parking. The site was in the past a builders yard and in May 1985 a storage building was permitted (4/0368/85). In October 1992 permission was granted for light industrial use (4/1026/92) which limited the permitted use to uses within Use Class B1(c) with the objective of safeguarding the residential amenity of the area.

4. Although the site is in a commercial location and has a commercial history the nearest dwellings in Goldfield Road are only some 20m away with others to the north-east 35m or thereabouts away. I consider it important that the amenities of the occupants of these properties should not be harmed by this use. Accordingly the main issue in this appeal is whether the amenities of nearby residents are unacceptably affected by the noise emanating from the building on the appeal site which results from the motor repair use. Since the use has



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RECYCLED PAPER

already commenced I shall deal with the appeal under the provisions of section 73A of the Act on the basis that permission is sought to continue the use.

5. A number of development plan policies are relevant to this appeal, the most significant of which are as follows. The site is in an employment area designated in policy 29 in the Dacorum Borough Local Plan Deposit Draft. Thus Structure Plan policy 73 also applies. These in general terms encourage the provision of commercial development in such areas. There seems to me to be no conflict with adopted District Local Plan policies 48(a), 49 or 51 which set out criteria for new industrial and commercial development. However policy 38 in the District Plan and policies 8(d), and Environmental Guideline 4 in the Deposit Draft all stress the importance of preventing development which is unduly noisy.

6. I consider that the location is one which is, in general terms, suitable for your client's business and I can appreciate that it provides a useful and convenient local service with its vehicle testing facility, as well as some small but important employment opportunities. I also accept that you do not carry out body repairs but only minor repairs and servicing, and that you do not do paint spraying. I also recognise that you have indicated a willingness to comply with suitable conditions with the objective of protecting the amenities of nearby residents.

7. Nevertheless I remain concerned about the noise implications of the use continuing in its present manner, and specifically the activities which are carried on within the building and the equipment used for this purpose. In spite of the fact that the use is already in operation, and has been since February 1994, neither party has produced technical evidence as to the noise resulting from the use, nor to distinguish the noise emanating from this site compared with that from those adjacent. In such circumstances I can only rely on my own impressions gained at the site visit when I listened to various noises emitted from the building.

8. My clear impression was that the ambient noise level in the area generally is low, Goldsmith Road being a quiet residential street and the adjacent commercial premises emitting no appreciable noise at the time of my visit. The weather was warm and the doors to your client's building were open. A number of noises emanating from it were clearly audible at the site boundary, and I would expect, within the nearest dwellings and their gardens. The noise from the air powered drills was particularly noticeable but also that from the hydraulic vehicle hoists, the telephone and a compressor. It seems to me that the level of noise is such as to clearly take the use outside the scope of that which is embraced by the B1(c) Use Class, as well as being likely to harm the amenities of nearby residents in Goldfield Road. These persons are reasonably entitled to expect that their quiet enjoyment of their properties will be respected and that the current limitation to light industrial use only will be maintained.

9. I have considered whether it would be right to grant permission subject to a condition requiring the building to be acoustically insulated, in addition to the other conditions which you suggest. However I have no information as to the feasibility of such insulation measures being carried out in terms of the physical structure of the building, or the likely cost, and it would not be right to impose a condition which your client could not reasonably comply with. In addition some important aspects such as keeping the doors closed, and the prevention of body work and panel beating may not be readily controllable by means of a condition. In all the circumstances therefore I conclude that your client's appeal fails.

10. I have considered the allegations that noise and disturbance arises from the traffic movements to and fro along the access track and within the site. However in this respect I take into account the fact that the permitted use of the building could already give rise to some noise and disturbance of this kind. Therefore in my view the issue in this appeal relates only to the noise emanating from the building itself.

11. I have in reaching my decision on this appeal taken into account all the representations submitted, including the references to the advice in PPG4 'Industrial and Commercial Development and Small Firms'. However nothing is of such significance as to cause me to change my decision.

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

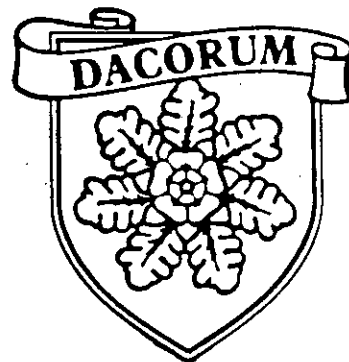
Yours faithfully



F A Robinson BSc MPhil DipTS FRTPI MCIT
Inspector

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0983/94

Mr Kevin Caterer
1 Highfield Road
Wigginton
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Ashby & Company
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HP23 5AW

DEVELOPMENT ADDRESS AND DESCRIPTION
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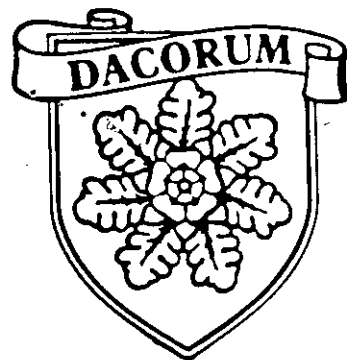
Land & Building Adjoining Gowers Yard, (Keens Yard) rear of Western Road, Tring
CHANGE OF USE FROM CLASS B1 USE TO MOTOR REPAIRS

Your application for *full planning permission* dated 13.07.1994 and received on 22.07.1994 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 08.09.1994

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/0983/94

Date of Decision: 08.09.1994

The proposed use is unacceptable on this site which is in close proximity to residential properties and, if permitted, would cause harm to the residential amenity of surrounding dwellings through noise and disturbance associated with the commercial repair of motor vehicles.