

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

Other  
Ref. No. .... 1772/75D

THE DISTRICT COUNCIL OF ..... DACORUM .....

IN THE COUNTY OF HERTFORD .....

Mr.G. & Mrs.T.E.Cheesman, Agents: Penny & Thorne,  
To 7 Boxwell Road, 175 High Street,  
Berkhamsted, Berkhamsted,  
Herts. Herts.

Change of use from shop & residential to shop and  
.....  
..... clothing manufacture .....  
at ... 59 Gossons End, Berkhamsted. ....

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 ..... 17th November, 1975 ..... and received with sufficient particulars on ..... 18th November, 1975 ..... and shown on the plan(s) accompanying such application..

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

- 1) The proposed use being light industrial, is contrary to the primary allocation on the Town Map for residential purposes.
- 2) The proposal would result in the loss of residential accommodation.
- 3) There is inadequate provision for car parking.

Dated ..... 15th ..... day of ..... January ..... 19 76 .....

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

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Messrs Penny and Thorne  
Solicitors  
175 High Street  
BERKHAMSTED  
Herts  
HP4 3HG

Your reference  
LHS/MRJ/C.1604  
Our reference  
T/APP/5252/A/76/5021/G6  
Date

- 1 DEC 1976

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY G AND T E CHEESMAN  
APPLICATION NO 4/1052/75

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 shop and living accommodation to shop and dress manufacturing premises at 59 Gossoms End, Berkhamsted. I have considered the written representations made by you and by the council and also that made by an interested body. I inspected the site on 1 November 1976.

2. From my inspection of the site and surroundings and the representations made it is my opinion that the main issues in this case are whether the proposal would impair the amenities of neighbouring residents, whether the loss of living accommodation is acceptable and whether the proposed vehicle parking arrangements are satisfactory.

3. On the Approved Development Plan the appeal premises are shown to be within an area primarily for residential use on the north-west outskirts of Berkhamsted. They are part of a small 2-storey terraced block dating from about the turn of the century designed as 4 local shop units with associated living accommodation. Their frontage is to the north side of the heavily trafficked A41 Trunk Road which is known as Gossoms End where it passes the appeal site and from which the building is separated by a narrow open forecourt; there is a bus stop adjacent to this forecourt and single yellow lines along both sides of the carriageway and a nearby plate proclaims no waiting between 8.30 am and 6.30 pm Monday to Saturday. A narrow unmade track virtually encompasses this terrace and its back garden areas, running from the north side of Gossoms End between the flank wall of the grocery shop adjoining the appeal premises to the west and a vehicle repair garage which is the end property of the adjacent terraced block. This track provides access to a collection of lock-up garages and continues around the rear boundaries of the appeal site and neighbouring properties to emerge again onto the north side of the A41 between the shoe repair shop that is next door but one to the appeal premises and the dwelling known as Gossoms Cottage. A cafe occupies the ground floor shop immediately to the east of the appeal premises and like the neighbouring shoe-repair and grocery shops the accommodation above appears to be in residential use, although I was informed during the site visit that the unit was unoccupied at present. Opposite the site the southern frontage of the A41 is occupied by an extensive development of local authority 2-storey terraced housing.

4. The main entrance to the appeal premises leads from the forecourt in front of the building into a women's dress shop/showroom that has a shop window front and occupies almost half of the ground floor. This area is partitioned from the remaining ground floor accommodation which consists of a workroom, in which 7 sewing machines were being operated during my visit, and a small kitchen with a back door leading to the garden and outside WC. From the workroom area a stairway leads up to a landing from which access is obtained to the 4 rooms on the upper floor. Here there is a bathroom with a WC, and also at the back of the building a room which I was told is used for the hand-finishing of dresses. The main upstairs room is used as a cutting-room and contained a large table whilst the other room at the front is in use as an office.

5. I accept that the proposed change of use is unlikely to be noticeable to the public but am unconvinced it would not cause a level of noise and disturbance that would materially detract from the amenities of current and future occupiers of the neighbouring accommodation. The noise and vibration from the work room was most noticeable during my visit and although the present number of machines and their use on the ground floor appears not to provoke a reaction from the neighbours, I am conscious of the possibility that the proposal could lead not only to an increase in the number of sewing machines used on the premises but also to the relocation of some or all of these to the upper floor. In my judgement it is reasonable to assume that additional machines and staff would result from the proposal and that the noise and vibration added to the general activity of up to 12 persons within these small premises, and particularly on the upper floor, would severely impair the amenities of adjoining residents notwithstanding this may well only occur during the daytime as you point out.

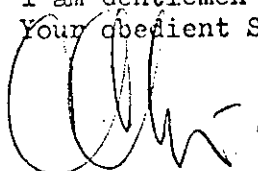
6. I agree with your contention that the living accommodation could only be occupied as an adjunct to the shop unit but whilst not up to contemporary standards it is quite habitable even now; and so far as I can see could be easily refurbished to provide a very acceptable residential unit. And although there is no evidence of what you describe as considerable pressure for residential accommodation of this type, there is nevertheless a general housing shortage in the country and I have no reason to suppose this does not include a need for living/shop units such as this. Therefore, in all the circumstances I am unable to countenance the use of the residential part of the appeal premises for the purpose proposed despite your submission that it will not be used for residential purposes whether or not this appeal succeeds.

7. Furthermore, in my opinion it is reasonable to require that the proposal should make some provision for off-street vehicle parking as I consider that a manufacturing business even of this size is bound to attract additional vehicles to the site more frequently than the quarterly intervals suggested. But after considering the forecourt of the appeal premises and the access to the garages at the rear as possible areas which might meet this requirement, I do not judge them to be at all adequate or suitable. I appreciate that your clients' business provides employment for local skilled labour and contributes to this country's exports, but I am not persuaded that there is no other suitable alternative accommodation available which is unlikely to give rise to the compelling planning objections I find in this proposal. I have, of course, considered all the other matters raised in the written representations but am of the opinion they are not of sufficient substance to outweigh the considerations that have led me to my decision.

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

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I am Gentlemen  
Your obedient Servant



H C STOW  
Inspector