



Department of the Environment

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PLANNING DEPARTMENT

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File

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File GTN 2074

CHIEF EXECUTIVE OFFICER

7 APR 1982

File Ref.

Refer to

218070

218811

218811

Messrs J R Eve
1 Dean's Yard
Westminster
LONDON
SW1P 3NR

Received

- 8 APR 1982

Comments

Your reference

GTGE/RN/LN21018

Our reference

T/APP/5252/A/81/15114/G6

Date

- 6 APR 1982

4836

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY J WARD HILL AND COMPANY LIMITED
APPLICATION NO: 4/1073/81

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 of premises at 3 Maylands Avenue, Hemel Hempstead from a retail news-agents to a licensed betting office. I have considered the written representations made by you and by the council and also those made by one other interested party. I inspected the site on Wednesday 24 February 1982. Since my site visit I have seen the further representations of S and A Greenhalgh Ltd dated 15 February.

2. From the representations received, and from my inspection of the appeal site and the locality I have formed the conclusion that the principal issue to be determined in this case is whether the loss of this unit to betting shop purposes would constitute the loss of a valuable retail outlet, and reduce unacceptably the facilities available for normal shopping purposes in this location.

3. The area in Hemel Hempstead former new town is fully described in the Council's statement for the purposes of the appeal dated 26 December 1981, and in Section 1 of your statement on behalf of your client, dated 11 February 1982, and the facts in regard to the application, and the history of the premises concerned are not matters of dispute.

4. The small parade of shopping units concerned was primarily designed by the New Town authorities to serve the needs of workers on the adjacent Maylands Avenue Industrial Estate, and it is not a shopping centre primarily related to a residential area, although some houses are near enough for their residents to make some use of the facilities available. The main trade, however, is on days and at times when activities are taking place in the industrial premises in the neighbourhood. For this reason leases given by the Commission for the New Towns have largely been to undertakings providing a service function, rather than to normal retail shopkeepers. In addition to the 4 units in the parade there is a sandwich-bar, 5 Maylands Avenue, in part of the garage premises adjacent, and the offices of a car-hire and rental business. The proposal involves the transfer of one of the two units at present used by S and A Greenhalgh Limited as a Newsagent, Stationer, Confectioner and Tobacconist to the betting office maintained by Messrs J Ward Hill and Company next door.

5. I can fully appreciate the reluctance of the District Council to see any retail shop premises going out of use, since this often means in a prime shopping area a loss of vitality and interest. But, taking full account of the facts of the case,

ie that use by residents, as distinct from workers is minimal, that shopping facilities for nearby residents are ample, and that Mr Greenhalgh's business is clearly over-extended in the 2 units he currently uses, I take the view that the proposition is a realistic one in the current situation, and should lead to an economic use of the premises. I note that the Commission for New Towns, as landlords, have no objection to the change of use, and that the district authority concedes that the principle of the location of a betting shop in this area is not in question. I have noted from the district authority's statement that such a change would increase the proportion of non shop-uses in the immediate vicinity to 75%, and that this would be contrary to the policy aims of the Dacorum District Plan, but also that Unit No 4, which Mr Greenhalgh now occupies, was a branch bank building before he leased it.

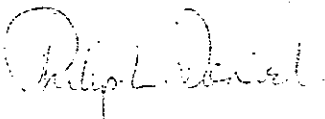
6. In the circumstances I am prepared to grant your client's appeal, though if at any time the premises should cease to be used for betting shop purposes the position would then need to be reviewed, in the light of the economic circumstances of the time, and the further development of the town.

7. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for a change of use of premises at 3 Maylands Avenue, Hemel Hempstead from retail newsagent to licensed betting office in accordance with the terms of the application (No 4/1073/81) dated 11 August 1981 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

8. Attention is drawn to the enclosed note relating to the Chronically Sick and Disabled Persons Act 1970.

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

I am Gentlemen
Your obedient Servant



PHILIP L DANIEL BA(Lond) FBIM
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
 IN THE COUNTY OF HERTFORD

To J Ward & Co Ltd
 19 Park Place
 Stevenage

D Clarke
 19 Ashridge Close
 Bovingdon

Change of use from retail shop to betting office

at 3 Maylands Avenue
 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 11 August 1981 and received with sufficient particulars on 13 August 1981 and shown on the plan(s) accompanying such application.

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

1. That this proposal would result in the unacceptable loss of a valuable retailing unit which this authority considers essential to provide adequate shopping facilities in this area.

Dated 1 day of October 19 81

Signed

Chris Barker

Chief Planning Officer

Designation

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.

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