

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Kevin Kelly
395 Barnacres Road
Hemel Hempstead

Change of use from dwelling to dwelling and shop	
at 10 Bradden Lane	
Jockey End Gaddesden Row	

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 Undated and received with sufficient particulars on 9th. September. 1982 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 site is without notation on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) and the Dacorum District Plan wherein permission will not be given, except in very special circumstances, for development other than that required for the purposes of agriculture, forestry, leisure uses appropriate to the area or other appropriate uses. The proposed development is not supported by any evidence to show that it is an essential local facility or service need which is required at Jockey End.
2. The increased traffic likely to be generated by the proposed development would be a potential hazard on adjacent highways.

Dated 21st day of October 19 82 ...

Signed.....

Chief Planning Officer

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, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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.

D/1376/SM/P



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1 MAR 1983

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Mr K Kelly
395 Barnacres Road
HEMEL HEMPSTEAD
Hertfordshire

Your reference

Our reference

T/APP/5252/A/82/11933/G5

Date

28 FEB 1983

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
LOCAL PLANNING AUTHORITY APPLICATION NO:- 4/1091/82

6018

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission to convert part of the house at 10 Bradden Lane, Jockey End/Gaddesden Row into a lock up shop with storeroom over and the construction of a new vehicular access and 3 car parking spaces. I have considered the written representations made by you and by the council and also those made by the Great Gaddesden Parish Council and interested persons.
2. I inspected the site on 1 February 1983 and noted that it was located in the small isolated hamlet variously referred to as Jockey End or Gaddesden Row. At the time of my visit alterations and the extension to the house at 10 Bradden Lane were nearing completion but seemed to me to differ substantially from those shown on the plan accompanying the application before me in your appeal. The garage had been converted into a kitchen, the proposed entrance to the shop already made, and a small casement window substituted for the bow window at the front of the house.
3. From my inspection of the site together with its surroundings, and the written representations made, I am of the opinion that the main issues in this case are whether or not the proposed development would firstly, be appropriate to this rural area and, secondly, provide a satisfactory unit of living accommodation in the remainder of the house and, thirdly, cause traffic hazards in Bradden Lane.
4. On the first issue your application states that 15 m² of the premises would be used as a village shop selling food. I note the council very fairly accepts that a small village shop of this nature would not conflict with the policies of the Hertfordshire Structure Plan or the deposited District Plan provided there is a need for such a local facility. From the submissions of the Parish Council, and the petition you have submitted, I find no reason to question generally that a village shop in Jockey End/Gaddesden Row would be welcomed. On the other hand I do not consider the fact that you have been unable to sell the house as it stands sufficient reason to convert part of it into a shop.
5. On the second issue it seems that by severing that part of the existing house, and the major part of its curtilage, from the remainder would leave the resulting 2 bedroomed dwelling without any substantial curtilage. It appeared to me that apart from the parking area in the front of this house it would only have the benefit of about a 1 m deep rear curtilage and part of the 1 m gap separating it from the new house you have erected to the south. In this connection I find no reason to question

the view taken by the Inspector in his letter of 19 April 1982 that by severing the extension from the original dwelling would leave that dwelling as an unsatisfactory unit of living accommodation without any proper private amenity area. Furthermore, I note that it was in order to provide a suitable unit of living accommodation that the extension, which it is now proposed to convert into a shop and storeroom, was added to the original 2 bedroomed dwelling.


6. Turning to the third issue I noted that the triangular shaped area in which the 3 parking spaces are to be provided, and to which the new access would be made, was rather less than 9 m deep at its southern end and narrowed to a point at its northern end on a blind, almost right angled bend in Bradden Lane. It seems to me that vehicles using the 3 parking spaces would inevitably have to manoeuvre in a very narrow part of Bradden Lane close to this blind corner and would thereby cause an unacceptable degree of traffic hazards.

7. Whereas there may be a need for a village shop in Jockey End/Gaddesden Row I conclude, on balance, that there would be sound and clear-cut planning objections to the proposed development in this case. In my opinion, any advantages flowing from the establishment of a shop on this site are heavily outweighed by the disadvantages.

8. I have taken into account all other matters raised in the written representations, including the matter of precedent. In this connection however I find reason to distinguish the application before me from other applications which could be made for similar development which fall to be decided on their planning merits. In my opinion none of the other matters raised are of sufficient strength to overturn the considerations that have led to my decision.

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

I am Sir
Your obedient Servant



W D WOODALL FRICS FRTPi
Inspector