



**Department of the Environment  
Department of Transport**

A/13X/CO/P

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Bedfordshire  
LU7 8RT

**25385**

**CHIEF EXECUTIVE  
OFFICER**

**13 JUN 1988**

File ref. ....  
Refer to PO 13/6  
Cleared .....

Your reference

Our reference <b>PLANNING DEPARTMENT</b> <b>T/APP/C/87/A1910/000004/P6</b>					
Date Ref. <b>8 JUN 88</b>				Ack.	
C.P.O.	D.P.	D.C.	D.C.	Admin.	File
Received <b>13 JUN 1988</b>					
Comments					
SCHEDULE 9					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND  
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981  
APPEAL BY MR J GILMARTIN  
LAND AND BUILDING AT 2 COTTERELLS HILL, HEMEL HEMPSTEAD

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against an enforcement notice issued by the Dacorum Borough Council concerning the above mentioned land and building. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 3 May 1988.
2.
  - a. The date of the notice is 8 June 1987.
  - b. The breach of planning control alleged in the notice is the making of a material change in the use of land without the grant of planning permission, namely from a residential use to offices.
  - c. The requirements of the notice are cease to use the premises as offices.
  - d. The period for compliance with the notice is six months.
  - e. The appeal was made on the grounds set out in Section 88(2)(a) and (h) of the 1971 Act as amended.
3. From my inspection of the site and the surroundings I consider the issue to be whether there are any reasons for setting aside approved policies concerned with locations of commercial uses and the loss of housing accommodation.
4. The appeal premises are in a wholly residential neighbourhood and as I saw at the inspection, could offer a high standard of accommodation. There is nothing unusual in the form of the appeal premises which precludes their use as a dwelling. Therefore I can find no reason why your client's use of the property merits an exception being made to the policies of the Structure Plan and District Plan both of which seek to prevent a loss of residential accommodation. I believe that to permit the appeal premises to be used as offices contrary to these policies would create a precedent that could lead to similar proposals and the cumulative loss of housing the result would cause unwarranted inroads into the overall housing stock of the area. Additionally because of the differing standards of occupation caused by the transient nature of the use, offices close to ordinary dwellings can through



RECYCLED PAPER

increased activity and the absence of neighbourhood interests lead to a diminution in the residential amenities that residents could reasonably expect to enjoy in their permanent homes.

5. On the matter of Policy 53 of the District Plan the Council have defined an area for commercial development and uses. The appeal premises have no affinity with that area being separated by a principal highway route and being part of a predominantly residential locality. There is no basis in my judgement for questioning the land allocation of the District Plan and I do not consider it reasonable to pre-empt reviews of that plan which may in due course allocate other areas for commercial purposes. To allow the appeal premises to be used as offices in advance of these considerations would, I believe, create a precedent that would not be in the interests of the future land use proposals for the town.

6. As to the ground 88(2)(h) appeal I recognise that difficulties may be encountered in seeking alternative accommodation within the period of 6 months stipulated in the notice. I shall increase the period to 9 months.

7. As the correct fee payable under the Town and Country (fees for Applications and Deemed Applications) Regulations 1985 has not been paid, I do not propose to deal with the application for planning permission deemed to have been made under Section 88B(3) of the 1971 Act, as amended by the Local Government and Planning (Amendment) Act 1981.

8. I have considered all the matters that were raised in the representations but none outweigh the basis of my decision.

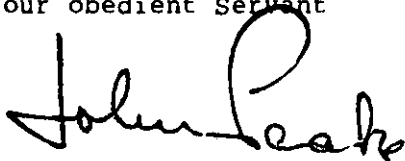
#### FORMAL DECISION

9. In exercise of the powers transferred to me and for the reasons given above I hereby direct that the notice be varied by the deletion, in that part of the notice concerned with the period for compliance, of the word "six" and its substitution by the word "nine". Subject to that variation I dismiss the appeal, and uphold the enforcement notice.

#### RIGHT OF APPEAL AGAINST DECISION

10. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Gentlemen  
Your obedient Servant



J PEAKE DipTP(Lond) MRTPI  
Inspector

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