

Town Planning 4/1138/79
Ref. No.

Other

Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
.....
IN THE COUNTY OF HERTFORD

To The Wellcome Foundation Limited,
183 Euston Road,
London. NW1 2BT

Solvent store
.....
at Wellcome Research Laboratories, Berkhamsted Hill,
.....
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 permit the development proposed by you in your application dated
and received with sufficient particulars on 8th August 1979
and shown on the plan(s) accompanying such application, subject to the following conditions:-

- (1) The development to which this permission relates shall be begun within a period of ... 5 ... years commencing on the date of this notice.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.

Dated..... 13th day of..... September 19 79

Signed..... 

Designation Director of Technical Services

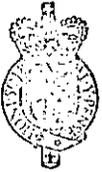
NOTE

(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 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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
Room 1411
Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 914
Switchboard 0272-218311

Council's ref: T.411/RW/4/1139/79E

P J Fountaine Esq
27 Castle Street
BERKHAMSTED
Herts
HP4 2DW

Your reference	
TECHNICAL SERVICES DEPT.	
Our reference	
PLANNING SECTION	
Date	
20 MAR 1980	
FILE No.	DATE

APP/5252/C/79/2942, 2943/G4

9 MAR 1980

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
APPEALS BY MR W WAKEFIELD AND THE OCCUPIER
LAND AND BUILDINGS AT WATER END GARAGE

1. I refer to the appeals, which I have been appointed to determine, against an enforcement notice served by the Dacorum District Council concerning the above mentioned land and buildings. I have considered all the representations made by you and by the Council and I inspected the site on 7 February 1980.
2. The notice is dated 19 July 1979 and the breach of planning control alleged in it is the making of a material change of use of land at Water End Garage shown edged red on an attached plan to a use for the purpose of the storage of caravans. The notice requires within 2 calendar months the discontinuance of the use of the land for the storage of caravans. The appeals were made on ground 88(1)(a).
3. The appeal site is on the south-west side of classified road A4146 within the attractive valley of the River Gade in pleasant undulating countryside some 2 miles north of Hemel Hempstead. It has a frontage of about 650 ft and an area of about 6½ acres. Along the central part of the frontage are buildings and land used as a dwelling, garage and petrol filling station and light engineering works, to the north-west of these is an open car sales area and to the south-east agricultural land which extends behind these premises and to the south and comprises the majority of the site. Behind the open car sales area is land of about ½ acre on which at the time of my inspection 11 touring caravans were stored. The caravans are plainly in view from the classified road. There are other scattered developments in the area including open car sales premises along the road to the north-west.
4. The notice was not served upon the owner and occupier of the dwelling included in the site enforced against and alleges that the site is used for caravan storage whereas it also has other uses. It seems to me that the non-service of the notice could be disregarded and the defective allegations corrected under Sections 88(4)(b) and (a) of the Act. However, as the notice is directed only towards caravan storage and this occupies a small part only of the site, which even without the house curtilage may, or may not be, the planning unit, it would be preferable to enforce against that part only. Therefore I propose to vary the notice under the provisions of Section 88(4)(a) so that the plan attached thereto relates only to that part, which for the sake of clarity I propose to denote as that area edged in blue on Plan No. 1 which accompanied the council's statement.

5. On planning merits, the principal issues to be decided are whether or not the caravans stored on the site are detrimental to the appearance and the character of the area which is within the Metropolitan Green Belt and whether they are appropriate therein.

6. This part of the very attractive Gade Valley within its pleasant rural surroundings should be safeguarded against development which would harm the rural character. The stored caravans adjoin buildings and land where commercial uses have been in existence for some time. They are an additional commercial use, however, and although they are behind the open car sales area, they are readily visible from the road. The presence of the existing premises and their uses is no justification for allowing this additional use to spread from them as it mars the rural scene and further reduces the pleasant rural character. That the site is within an area of Great Landscape Value and in close proximity to an area of Outstanding Natural Beauty emphasises the importance of safeguarding the beauty of this stretch of countryside. It is also within the Metropolitan Green Belt where there is a general presumption against additional development unless essential for agriculture or similar purposes, the storage of caravans on the site is contrary to that policy and therefore should be resisted. Accordingly I propose not to grant planning permission.

7. You have not appealed under grounds (f) or (g) but I have considered the requirements of the notice, which are not excessive. It might be difficult for alternative accommodation to be found for the caravans within the 2 months allowed therefore I propose to extend the period for compliance to 4 months. I have taken account of all the other matters raised but they are of insufficient weight to affect the above considerations.

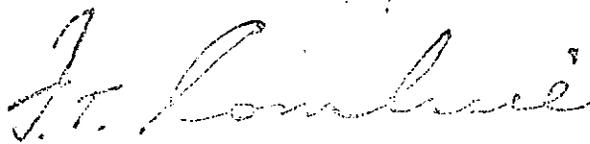
FORMAL DECISION

8. For the above reasons, and in exercise of the powers transferred to me, I hereby direct that the notice be varied by the substitution of the plan attached to the notice by the plan attached to this letter, by deletion in paragraph 1(i) line 4 of the word "red" and its substitution by the words "hatched black" and by deletion in paragraph 2 line 2 of the word "two" and its substitution by the word "four". Subject to those variations, that the appeals be dismissed, the amended notice be upheld and planning permission be not granted on the application deemed to have been made under Section 88(7) of the Act.

RIGHT OF APPEAL AGAINST DECISION

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

I am Sir
Your obedient Servant



F T CORNHILL CEng FIMMIE MRSH
Inspector

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DEPARTMENT OF THE ENVIRONMENT
TOLLGATE HOUSE
HOULTON STREET,
BRISTOL BS2 9DJ

An appeal against the decision given in the accompanying letter may be made to the High Court on a point of law under the provisions of section 246 of the Town and Country Planning Act 1971. Any appeal must be made within 28 days of the date of that letter (unless the period is extended by the Court).