

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To Melborha Engineering
21 Pickford Road
Markyate
Herts

Cannon, Morgan & Rheinberg
38 Holywell Hill
St Albans
Herts

..... Change of use from garage to engineering store and
..... alterations.
at The Garage, Cleveland Road, Markyate.

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 24 July 1981 and received with sufficient particulars on 3 September 1981 and shown on the plan(s) accompanying such application..

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

The increased traffic likely to be generated by the proposed development would be a potential hazard on adjacent highways, which, because of inadequate width and construction are unsuitable for such additional traffic.

Dated 22 day of October 19 .. 81 ..

Signed



Designation 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, 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.

C/353/MH/P



Department of the Environment

Room 1411

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MB ✓
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TEAM 2 ✓

| PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL | | | | | |
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| Ref. | | | | Ack. | |
| C.P.O. | D.P. | D.C. | B.C. | Admin. | File |
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| Received <i>[Signature]</i> - 2 APR 1982 Direct line 0272-218 914 Switchboard 0272-218811 GTN 2074 | | | | | |
| Your reference GLC/MJJ/1021/2 Our reference T/APP/5252/A/81/16547/G4 Date 31 MAR 1982 | | | | | |

Messrs Cannon, Morgan and Rheinberg
38 Holywell Hill
ST ALBANS
Hertfordshire
AL1 1BU

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MELBORHA ENGINEERING LTD
APPLICATION NO 4/1200/81

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 alterations to, and use of, The Garage, Cleveland Road, Markyate, as an engineering store. 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 17 March 1982.
2. From my inspection of the site and its surroundings and from the representations made, I consider the main issue to be whether the proposed development would increase to an unacceptable degree the risk of danger to users of nearby roads.
3. A belief that a potential hazard would arise in adjacent roads provided the council's sole reason for refusal. There has been no elaboration of this objection either in the expressed grounds for withholding consent or in the authority's written statement.
4. I note that the Highway Authority have raised no objection and that the appeal premises were used as a store from 1977 to 1980 without causing any recorded traffic hazard. Your clients propose to move the garage doors so that deliveries would be made from the adjacent car park. The small size of the premises would restrict the extent of the proposed use and limit the number of vehicle movements. On the evidence before me I have no reason to conclude that the proposed development would generate more vehicular movements than a continuing authorised use of the premises as a garage.
5. You invite attention to Circular 22/80 which emphasises a need for specific and convincing reasons when planning applications from small-scale businesses are refused. In my view the authority have failed to provide these. It seems to me that your clients' business is one which the Government are particularly keen to encourage and I do not accept that their use of these small premises as a store would create a significant potential traffic hazard in neighbouring roads.
6. The Parish Council apparently fear that a successful appeal could lead to the premises being used as a workshop. In granting consent I intend to prevent this arising by the imposition of an appropriate condition.
7. I have considered all other matters raised but do not regard them as sufficient 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 allow this appeal and grant planning permission for the change of use from garage to engineering store and alterations at The Garage, Cleveland Road, Markyate, in^A terms of the application (No 4/1200/81) dated 24 July 1981 and the plans submitted therewith, subject to the following conditions:

i. the development hereby permitted shall be begun not later than 31 March 1987;

ii. the premises shall be used as an engineering store and for no other purpose.

9. This decision does not convey any approval or consent required under any enactment, byelaw, order or regulations other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



H WILLIAMS BSc
Inspector

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