

MEMORANDUM From:

Assistant Secretary &
Solicitor

My Ref. HB/DM/2447/120

J. SWTH
To: Director of Technical
Services

Your Ref.

6th August 1980

URGENT PLEASE - FOR SIX MONTHLY REPORT

44B High Street, Markyate

Please let me have a copy of the appeal decision relating to the above. It was reported to the Committee on 31st July 1980 that the appeal had been dismissed.

Has the enforcement notice been complied with by discontinuance of the use?

Harold Brown

Assistant Secretary & Solicitor

*Notice has been
Complied with.
Use discontinued.*

*HT429
11/8/80*

TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
<i>JB</i>	- 7 AUG 1980
FILE No. 1294/79E	DATE



Department of the Environment

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Council Ref: T424/4/1294/79E

177/9.6
2) Mr Hill
3) Mr Dobby
4) Mr Dobby
Report
31/7

Messrs Rexworthy and Company
Solicitors
67A High Street
Redbourn
ST ALBANS
Hertfordshire

CITY EXECUTIVE

- 1 JUL 1980

Your reference

R/A 2087

Our reference

T/APP/5252/C/79/3348/G4

Date

30 JUN 1980

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
APPEAL BY VER INSURANCE BROKERS LIMITED
LAND AT 44B HIGH STREET, MARKYATE

TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
FILE No.	DATE
	2 JUL 1980

1. I refer to the appeal, which I have been appointed to determine, against an enforcement notice served by the Dacorum District Council concerning the above mentioned land. I have considered all the representations made by you and by the Council and I inspected the site on 4 June 1980.

2. The date of the notice is 24 July 1979. The breach of planning control it alleged is the making of a material change in the use of the building situate on the site to a use for the purpose of offices, without the grant of planning permission. The requirements of the notice are to discontinue the use of this building for the purpose of offices, within a period of 3 calendar months. The appeal was made on ground 88(1)(a) only.

3. Although no one representing your client was present during the time allotted my inspection of the site, I am satisfied that I was able to see enough of the site and its surroundings to visualise all the matters raised in the representations of yourselves and the council.

4. From all those representations, and from my inspection of the site and its surroundings, it seems to me that the main issues in this appeal are whether the change in use of the site from residential to office use is justified in the light of any present shortage in the area of the type of accommodation it can provide, or whether there are other factors which would outweigh any such advantage.

5. The council state that the County policy document "Hertfordshire 1981" and the County Structure Plan 1979 both contain a presumption against a change to office use when a loss of residential accommodation is involved. Planning permission for the use of the site as a self contained flat above shop premises was granted in 1965.

6. The various housing figures given in the representations indicate that there is a shortage of accommodation for 1 or 2 persons both in the general area and in the village of Markyate itself. The change of use alleged in the notice will therefore cause a loss of such accommodation in face of the need.

7. Although the site is situated above a shop used as a travel and ticket agency, the site itself has its own entrance to the yard at the rear, where there is parking space for one car clear of the highway. As there was no application to change the use from residential purposes to any other between 1964 and 1979, I can only assume

that during that period it provided satisfactory accommodation as a small self-contained flat. No specific evidence is given on your clients behalf as to why it should no longer be able to provide such accommodation.

8. Whilst I accept that an office use is not altogether out of place in this central part of the High Street, and that the use of the site for an insurance brokers business may prove useful to some members of the community, these arguments do not to my mind outweigh the loss of accommodation involved. I do not therefore intend to grant planning permission for the matter alleged in this notice. Although grounds (f) and (g) were not pleaded I have nevertheless considered them, and I find the requirement of the notice and the period for compliance to be reasonable.

9. I have taken into account all the other matters raised in the representations but they do not to my mind outweigh the consideration which have led me to this conclusion.

FORMAL DECISION

10. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal and uphold the enforcement notice. I also refuse to grant planning permission for the application deemed to have been made under Section 88(7) of the 1971 Act.]

RIGHT OF APPEAL AGAINST DECISION

11. 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



CAPTAIN P J WYATT CBE DSC MRIN
Inspector

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