

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To Sunjoy Limited  
1 Alexandra Road  
Kings Langley  
Herts

Clive Wren - Architect  
10 Barley Mow Passage  
London W4 4PH

..... Formation of mooring basin with ancillary car  
..... parking involving regrading of agricultural land  
at ... Land at Sharpes Lane/Pix Farm Lane, Bourne End,  
..... Hemel Hempstead, Herts. ....

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 ..... 23.9.86 ..... and received with sufficient particulars on ..... 7.10.86 ..... 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 proposed development is likely to result in a significant increase in motor traffic through the local road network which is substandard in width and visibility and is unsuitable for increased traffic use.
- (2) The proposal will adversely affect a site identified on the Dacorum District Plan as a site of Natural History Interest. The proposed development would conflict with the objective of Policies 36 and 37 of the Dacorum District Plan which is to safeguard habitats of importance within the District from incompatible recreational development.

Dated ..... 27 ..... day of ..... November ..... 19.86 ..

Signed.....

SEE NOTES OVERLEAF

P/O.15

Chief Planning Officer

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.

22104



**Department of the Environment and  
Department of Transport**

Common Services

Room 1417 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 927

Switchboard 0272-218811

**CHIEF EXECUTIVE  
OFFICER**

28 OCT 1987

File Ref. ....  
Refer to 20.28/10.  
Closed .....

Paul Falon & Co  
Solicitors  
87/89 Market Place  
WATFORD  
Hertfordshire

Your reference

SAR/2470

Our reference: WING DEPARTMENT

T/APP/AY910/A/87/062003/P2 and

Ref.	Date				062004/P2	
	27 OCT 87				ACK.	
C.P.O.	D.P.	D.C.	B.C.	Admin.	File	

Received

28 OCT 1987

Comments

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEALS BY SUNJOY LTD  
APPLICATION NOS:- 4/1373/86 AND 4/1372/86

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals against the decisions of the Dacorum Borough Council to refuse planning permission for (a) formation of mooring basin with access roads, car parking, service structures and areas, landscaping, sewage treatment plant and regrading of agricultural land and (b) erection of manager's house, chandlery/workshop, boat yard and slipway on land at 1 Pix Farm, Pix Farm Lane, Bourne End. I held a local inquiry into the appeals on 15-17 September 1987 with a site visit held on 18 September 1987.

2. The appeal site is situated within the Bulbourne Valley approximately 2 miles west of Hemel Hempstead. It has an area of about 12 acres and frontages to Sharpes Lane, Pix Farm Lane and a section of the Grand Union Canal adjacent to Lock No. 59. The main part of the village of Bourne End lies to the south of the appeal site and adjacent to the A41 with only a scattering of dwellings near to your clients' land. There are a group of dwellings situated at the junction of Pix Farm Lane and Sharpes Lane and it is at that junction the proposed manager's house would be built. The 2 applications consist firstly of a detailed scheme for the formation of the mooring basin including a new vehicular access from Pix Farm Lane, car parking area, roadways, service structures and areas, landscaping, sewage treatment plant and also an area suggested for regrading and return to agricultural use. Secondly, an outline application for the manager's house, a chandlery and workshop building, boat yard and slipway. It was stated that the proposed floating pontoons would not constitute development, but your clients were prepared to accept a condition limiting the number of privately moored boats within the basin to 100. It is also intended that there would be no hiring of boats from the property and a condition would be accepted to that effect. Although the applications were submitted separately, it was formally requested by your clients that the 2 proposals should be considered together rather than as separate entities.

3. Among the points put forward on behalf of your clients it was said that the council have recognised within their various policy statements that this land is within an urban fringe area and where the site comprises disturbed land requiring improvement and landscaping. The site is at present in a derelict state where some dumping of rubbish has taken place. The council have recognised the need for further marinas of this nature in their document entitled Grand Union Canal - Policy Statement. That document identified the need for 300 extra moorings in the district and since publication, demand for this leisure activity has increased. Furthermore, the council have put forward no other sites that would be available or appropriate

for this type of use. The present proposal would be a reduction from previous proposals in terms of number of moorings, the exclusion of a clubhouse and land to the east of the marina would be reserved and managed exclusively for nature conservation purposes. The schemes have been designed in conjunction with the British Waterways Board advice and whilst the proposal may alter the appearance of the land within the confines of the site, views into the land would be very limited and landscaping would ameliorate the views of the chandlery and manager's house. Due to the lower levels of the basin itself, the boats would be unlikely to be seen and in terms of location the proposed house would be grouped with existing dwellings to prevent it appearing isolated in the countryside.

4. The British Waterways Board being responsible for the operation and maintenance of the Grand Union Canal have identified a clear need for mooring basins and one would be appropriate in this particular location. The Board prefer half day cruising between moorings and as there are existing moorings at Cow Roast and Cassio Bridge, the appeal site would be about that distance in cruising time away from each of the existing moorings. The British Waterways Board have practical problems in controlling illegal and unlicensed moorings because of the lack of proper mooring facilities on the canal and their policy is to encourage marinas for the mooring of boats and discourage further linear moorings along the canal. The Board have confirmed that the present scheme would satisfy their criteria for such development and there would be no technical difficulties with such development.

5. Based upon the reasons for refusal, 3 main areas of contention were suggested. Firstly whether the highway network, visibility splays and capacity of road junctions were adequate to accommodate traffic attracted to the appeal site. Secondly, the question of nature conservation on this land and thirdly, whether the manager's house should be regarded as an exception to normal green belt policies. It was suggested that based upon the advice contained in the Sports Council Research Working Paper only about 22 vehicles per hour would be generated from this type of boating marina at the peak time on Sundays. As the peak hour for traffic along Pix Farm Lane is on Saturdays, it would be unlikely that the existing highway network would be inadequate. The Ministry of Transport have confirmed that the proposals would not cause traffic problems along the A41 or at the road junctions onto that highway.

This would be due to the small number of vehicles that would be associated with the development and the various junctions to which vehicles would be dispersed. Because of the obvious inadequacy of Sharpes Lane, there would be a system of signing for visitors to the marina to avoid that highway. The closure of the existing vehicular access from the appeal site onto Sharpes Lane and creation of a new access onto Pix Farm Lane would also improve highway conditions in Sharpes Lane. Furthermore, a condition would be acceptable requiring improvements to the layout of the junction at Little Heath Road to provide a right turning lane on the A41.

6. The appeal site is shown in the Dacorum District Plan to be of local ecological interest, but it has not been designated as a Site of Special Scientific Interest or of county or national importance. Interest in the land is mainly in the aquatic wetland plants and diversity of wildlife. The more important plants are the Great Horsetail and Willow Carr. The former would be able to be transplanted and re-established in the designated nature conservation area and whilst some Willow Carr would be lost, a large area would still be retained. Furthermore, the present proposal would have benefits to nature conservation because the existence of Japanese Knotweed on this land and the present lack of any management means that much of its current value would be lost within 10 years. Finally, the proposal for a manager's house on the land would mean that proper security of the site would be obtained. The house, being at the vehicular entrance to the marina, would ensure the manager could control persons and vehicles entering the site and this would be important on an urban fringe site and where vandalism would be likely. Furthermore, a higher standard of personnel would be attracted to this work by providing a house

rather than any other form of accommodation. In these circumstances, the council's policies for restricting new development in Green Belt areas would allow an exception to be made.

7. For the council, it was accepted that Bourne End offers potential for additional boat mooring facilities. In approving the Grand Union Canal Policy Statement in 1976 the council acknowledged the need at that time for about 300 additional moorings within the district. About half were proposed at Cow Roast with the remaining 150 located at Kings Langley and an unidentified site at Bourne End. However, the council recognised that the existing road network and nature conservation would be factors influencing the final location and scale of any development proposed. In this context it was accepted by the council that the main points of contention in the appeals were those matters identified in the appellants' case. In respect of the highway issue, it was said that the general characteristics of the highways leading to the appeal site indicated the inadequacy of the access for vehicles likely to be attracted to the marina. The roads had considerable curving alignments, there is a lack of footways for pedestrians and shortfall in properly sited passing spaces. In addition there is substandard visibility at road junctions giving access onto the A41. At the present time existing users of the highways experience dangers and hazards from existing traffic and to encourage further traffic into the local road network would increase those problems. Furthermore, traffic flows on the A41 are high and it is anticipated that by 1991 the annual average weekly flows through Bourne End would be about 18,900-21,300 vehicles per 16-hour day. Whilst no accidents have been recorded near to the appeal site there have been accidents at the junctions with the A41. A proposal to provide a road link between Pix Farm Lane and the A41 is included within the reserve list of major capital schemes in the County Council's 1988/89 TPP submission, but it has a very low ranking and would be unlikely to be implemented for at least 15 years.

8. On the matter of nature conservation, it was said that the site has been identified as an area of natural interest in both the Dacorum District Plan and the Urban Fringe Study. It is an area of semi-natural habitat, open water with areas of scrub and Willow Carr woodland which all provide an important habitat for plants and wildlife. The appeal proposals would be detrimental to the existing wildlife and character of the area and the loss of much of the marsh, Willow Carr, scrub and grassland would have a cumulative effect in reducing the viability of the remaining areas as a self-sustaining unit. The open water and surroundings created by excavating the mooring basin would be unlikely to develop any significant wildlife interest. The present water quality in this part of the canal is not good and the marina would provide a source of potential pollution. The present proposals would totally destroy the existing character of the site and surrounding area and be incompatible with retaining the conservation interests of the site.

9. Dealing with the Green Belt implications of the proposal, it was accepted by the council that in general terms leisure activities of this nature were acceptable in Green Belt locations. It was also necessary for there to be ancillary services with those activities and the chandlery and workshop would be regarded in that context. However, the council contend that they are not convinced by the argument in favour of a manager's house on the site. In Green Belt locations it is necessary to show conclusively that the dwelling would be essential to the operation of the marina. In this context, there would appear to be no reason why the proposed chandlery should not also include the manager's accommodation. Whilst suitable dwellings within the vicinity of the site may be short in number, the council were not convinced that an appropriate dwelling would not find its way onto the market within a reasonable time limit and be suitable to accommodate the manager.

10. Evidence was also given by local residents. It was said that the proposals would harm the status of the area in respect of natural history interest, the visual impact of the proposals would be harmful to the character of the area, there would

be numbers of visitors attracted to the site through inadequate local roads and there would be infilling development contrary to Green Belt policies. Furthermore, the increase in the numbers of craft using the canal would detract from the environment of the village and there would be additional risks of flooding, problems of sewage disposal and other detriment to the environment.

11. From my visit to the site and walking around the surrounding area, together with the evidence presented to me at the inquiry as well as written representations, I am also of the opinion that there are 3 main issues for these appeals. Firstly, whether the existing highway network would be adequate to serve the proposed development without causing a deterioration in highway safety for existing road users. Secondly, whether the proposed schemes would cause significant detriment to interests of ecology and natural history interest and thirdly, whether there would be sufficient justification to permit a residential dwelling within the Metropolitan Green Belt where there is usually a presumption against such development.

12. The council have accepted that this area offers potential for additional boat mooring facilities and that the Grand Union Canal Policy Statement acknowledges the need for a considerable number of additional moorings in the district. Due to the specific design and layout of the proposed development, I am of the opinion that the creation of such a development on this site would not harm the appearance or pleasant character of the area generally or that buildings need necessarily be unduly prominent. I now turn to the first of the 3 issues that I have identified being that of the highway aspects of these cases. From the evidence that I have before me I accept that the number or percentage increase in vehicles likely to use the existing highway network due to the existence of a marina on this site may be relatively small. I also note from the agreed figures for visibility splays at road junctions that some splays would not be to the recommended standard. However, from my site inspection I gained the impression that visibility was reasonable from the junctions at Little Heath Road and Winkwell with the A41. Whilst it was suggested that your clients would attempt to advise visitors to the site to avoid the use of Sharpes Lane, my concern is that none of the existing roads through which those vehicles and the occasional trailer containing smaller craft would travel are of a consistent width or alignment to accommodate passing vehicles easily. When gaining access from the east Chaulden Lane is a narrow highway where vehicles pass only with difficulty. Whilst Pix Farm Lane is generally wider, there are sections where the alignment is poor and the highway narrow. To the west of the appeal site, Pix Farm Lane is again narrow and vehicles frequently stop to allow other traffic to pass. The Winkwell access is also narrow and has the added hazard of the swing bridge over the canal and Sharpes Lane was acknowledged by all parties to be inadequate for regular traffic. The only section of the local highway network which appeared to me to be of reasonable width and alignment was Little Heath Road. In these circumstances it would mean that existing road users including pedestrians, cyclists, horses and vehicles are required to use a series of roads which are inadequate for modern day traffic and with footways only along very limited sections of those roads.

13. Development Control Policy Note 6 emphasises that the effect of new developments upon safety and traffic flow must be considered in the light of the character and function of the road, local conditions such as the volume and speed of traffic, the width of the carriageway and visibility. Bearing in mind the deficiencies of the local highways upon which access to the appeal site depends, it is my opinion that any increase in traffic generated by further development in this locality would create conditions of danger to existing road users. I note that the suggested additional vehicles in question would be small, but I am not satisfied that in present circumstances the existing highway network is adequate to accommodate even a small increase in traffic without causing the dangers I have described. Your client suggested that it may be possible for me to accept the principle of the development but impose a condition requiring certain highway improvements prior to the commencement of the development. I realise that such a restriction may have been

appropriate in respect of the suggested right turn lane into Little Heath Road, but I do not consider it an appropriate course of action in requiring the substantial improvement of at least one of the possible routes of vehicular access to the site or a new bypass of the type suggested by the council's highway witness. Based upon the evidence presented to me, I do not consider that there is a reasonable prospect of the improvement and widening of, say, Pix Farm Lane or Chaulden Lane being carried out within a reasonable time. In these circumstances therefore I do not accept that such a condition would be appropriate or that the existing highway network would be adequate to serve the proposed development without causing significant detriment to highway safety for existing road users.

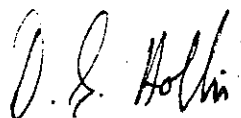
14. Turning to the second issue, I note that the proposals include a designated area for nature conservation and for it to be under proper management. Whilst these schemes would involve a substantial change in the character of the site, witnesses for both principal parties accepted that without proper management existing ecological interests would be lost within 10 years. It seems to me therefore that as certain species such as the Great Horsetail could be transplanted and re-established on the site to the east and a reasonable section of the Willow Carr would remain, the prospect of at least part of the site being retained for ecological purposes would be better than losing the whole site through neglect. I am therefore of the opinion that on balance there would not be significant detriment caused to the interests of nature conservation if the present scheme were permitted.

15. In respect of the third issue, I accept that in the interests of providing proper management and security for the marina, it would be necessary to have a resident manager living on the site. In this context, I also agree that because of the low lying nature of the basin, a manager living in a boat would find it difficult to supervise the entrance to the site. However, I was not convinced by the evidence presented to me that accommodation could not be provided in a practical and operational manner within the chandlery building. It seems to me that a person living within that building would be able to easily supervise pedestrians and vehicles gaining access to the land and also be able to provide security for goods and equipment stored at the chandlery. Various Government circulars have made it clear that in areas of the Green Belt where development is scattered, new housing would only be acceptable in exceptional circumstances and where an overriding need for such accommodation has been proven. In my judgement, your clients have not shown that it would be essential for the manager to have a detached house or that alternatives were not a practicable possibility.

16. I have taken into account all other matters raised at the inquiry and within the written representations but none was sufficient to outweigh the considerations which led to my decision.

17. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

I am Gentlemen  
Your obedient Servant



D G HOLLIS BA DipTP MRTPI  
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr J Steel

- of Counsel, instructed by Paul Falon and Co, Solicitors, of 87/89 Market Place, Watford, Hertfordshire.

He called:

Mr P J Frampton BSc MRTPI  
ARICS

- Partner with The Richard Wood Partnership.

Mr P Robinson ARICS

- Assistant Development Surveyor for the British Waterways Board.

Mr K Gosling

- Member of the Institute of Engineers and Technicians, Associate Member of the Institute of Highways and Transportation and Senior Engineer in Denis Wilson and Partners, Consulting Engineers and Transportation Planners.

Dr M Wade BSc PhD

- Loughborough University of Technology.

Mr C W Wren DArch RIBA

- Principal of Clive Wren, Architect.

FOR THE PLANNING AUTHORITY

Mr K M Pugsley

- Assistant Borough Secretary to Dacorum Borough Council.

He called:

Mr M Betambeau FRICS FISVA  
DipTP MRTPI

- Assistant Chief Planning Officer with Dacorum Borough Council.

Mr R M Scott BSc MICE

- Assistant Chief Engineer with Dacorum Borough Council.

Mr D Sibley Diploma  
in Traffic Engineering and  
Highway Safety

- Senior Engineer with Hertfordshire County Council.

Mr M Beaton

- Member of the Landscape Institute, Member of the Institute of Biology - Head of Hertfordshire County Council Countryside Group.

Mr F Lucas BSc MSc

- Conservation Officer with the Hertfordshire and Middlesex Wildlife Trust.

Mr J E Knapp DipTP MRTPI

- Principal Assistant Planner with Dacorum Borough Council.



## INTERESTED PERSONS

Mr A F Barker

- Solicitor, of A F Barker & Co, Solicitors, Wessex Court, Midland Road, Hemel Hempstead.

Who represented the Bourne End  
Village Association and called:

Mr M G Pritchard

- "Meadow Cottage", Pix Farm Lane, Bourne End, Hemel Hempstead.

Mr R Simon

- of "The Cedars", Pix Farm Lane, Bourne End, Hemel Hempstead.

Mrs J Beaney

- of 2 Pix Farm Lane, Bourne End, Hemel Hempstead.

Mrs M Ireland

- of "Highlands Farm", London Road, Bourne End, Hemel Hempstead.

Mrs C Pritchard

- of Meadow Cottage", Pix Farm Lane, Bourne End, Hemel Hempstead.

Mr R E Garwood

- of 19 Bourne End Lane, Bourne End, Hemel Hempstead.

Mr S Fletcher

- of "The Cottage" London Road, Bourne End, Hemel Hempstead.

## DOCUMENTS

- |                    |   |
|--------------------|---|
| Document 1         | - List of persons present at the inquiry.   |
| Document 2         | - Copy of the notification of appeal and those persons notified.  |
| Documents 3/1-3/20 | - 20 letters of objection (including letter from South Herts Environmental Records Centre giving an ecological appraisal).                |
| Document 4         | - Extract from TA 20/84 and handed in by Mr Steel.  |
| Document 5         | - Copy of Sports Council Research Working Paper regarding traffic generation from moorings on Inland Waterways and handed in by Mr Steel. |
| Document 6         | - Copy of a letter from Nature Conservancy Council dated 20 August 1987 and handed in by Mr Steel.  |
| Document 7         | - Copy of an extract from the council's Urban Edge Study and handed in by Mr Steel.   |
| Document 8         | - Copy of the council's policy statement in respect of the Grand Union Canal and handed in by Mr Pugsley.                                 |
| Document 9         | - Copy of letter from Hertfordshire County Council dated 6 February 1976 and handed in by Mr Frampton.                                    |
| Document 10        | - Copy of map of British Isles showing distribution of Equisetum Telmateia (Great Horsetail) and handed in by Dr Wade.                    |

## DOCUMENTS (CONTD)

- Document 11 - Copy of a letter from Hertfordshire County Council Highways Department dated 19 February 1985 and handed in by Mr Gosling.
- Document 12 - Copy of a letter from Department of Transport dated 18 January 1985 and handed in by Mr Gosling.
- Document 13 - Copy of schedule of visibility splay dimension as agreed at the inquiry between the appellants and the council.
- Document 14 - Copy of a legal agreement affecting the appeal site and handed in by Mr Betambeau.
- Document 15 - Copy of a letter from British Waterways dated 29 April 1976 and handed in by Mr Betambeau.
- Document 16 - Copy of a letter from Hertfordshire County Council Highways Department dated 22 July 1986 and handed in by Mr Pugsley.
- Document 17 - Copy of geometric standards listed in TA 20/84 and handed in by Mr Scott.
- Document 18 - Copy of British Waterways Board research paper No. 18 and handed in by Mr Scott.
- Document 19 - Copy of a traffic count for Saturdays and Sundays carried out over 3 weekends in June and July 1987 and handed in by Mr Scott.
- Document 20 - Copy of Hertfordshire County Council reserve list of major capital highway schemes and handed in by Mr Sibley.
- Document 21 - Copy of schedule of recorded road accidents and location map and handed in by Mr Sibley.
- Document 22 - Copy of selected illustration of flora and handed in by Mr Lucas.
- Documents 23/1-23/3 - Copy of list of diptera found by A Godfrey, assessment of list of diptera and list of fresh water invertebrates and handed in by Mr Lucas.

## PLANS

- Plan A - Copy of location plan to scale 1/2500 showing both appeal sites.
- Plan B - Copy of site layout plan relating to application 4/1373/86.
- Plan C - Copy of site layout plan relating to application 4/1372/86.
- Plan D - Copy of site layout plan indicating route of trunk water main.
- Plan E - Copy of plan 029/4B showing sections across the appeal site.
- Plan F - Copy of plan 029/1A showing existing site layout and spot levels on the appeal site.

PLANS (CONTD)

- Plan G - Copy of plan showing position of appeal site in relation to the Cow Roast and Cassio sites and handed in by Mr Steel.
- Plans H/1-H/9 - Copies of Maps 2, 3, 4 and 5 from the Urban Edge Study and handed in by Mr Frampton.
- Plan K - Copy of plan showing possible road improvement at junction of A41 and Little Heath Road and handed in by Mr Gosling.
- Plan L - Copy of a plan, reference number 85286/1 showing position and measurement of highway widths and handed in by Mr Gosling.
- Plan M - Copy of a land use plan of the area and handed in by Mr Betambeau.
- Plan N - Copy of Dacorum District Plan Proposals Map and handed in by Mr Betambeau.
- Plan O - Copy of a sketch plan showing various ecological compartments and handed in by Mr Lucas.

Department of the Environment  
2 Marsham Street  
LONDON SW1P 3EB

#### RIGHT TO CHALLENGE THE DECISION

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given.

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is, the Inspector has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act; they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No. 420), which relate to the procedure on appeals transferred to Inspectors.

#### RIGHT TO INSPECT DOCUMENTS

Under the provisions of rule 16(2) of the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 any person entitled to be notified of the decision given in the accompanying letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, for an opportunity of inspecting any documents, photographs and plans listed in the notification. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days' notice should be given, if possible.