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PLANNING DEPARTMENT					Your reference	
DORSET BOROUGH COUNCIL					JA/1604	
Ack					Our reference	
APL	DP	DC	BC	T/APP/AL910	/A/89/140159/P8	
Date					29 MAR 90	
2 APR 1990						
Received						

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY SELECT APPOINTMENTS PLC
 APPLICATION NO: 4/1392/89

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dorset Borough Council to refuse planning permission for the change of use of the shop at No 1 Bridge Street, Hemel Hempstead into an employment agency branch office. I have considered the written representations made by you, by the Council and by an interested person. I have also considered those representations made directly by the same interested person to the Council which have been forwarded to me. I inspected the site on 20 March 1990.
2. From my consideration of all the representations made and my inspection of the site, it appears to me that the main issue in this appeal is whether the introduction of this non-retail use into what has been designated a primary shopping frontage would have any significant effect upon the commercial vitality of this part of the town centre.
3. The appeal property is a small, lock-up shop which fronts onto the south side of Bridge Street. All the other units on this side of this short length of road are in normal retail use, apart from two which are in restaurant use. There are separate offices at first and second floor level. The whole of the opposite side of the road is in retail use except for premises occupied by the Job Centre of the Employment Services Agency.
4. Although both sides of this short length of road have been shown in the adopted local plan as being primary shopping frontages within the commercial centre of the town, it is clear that this road is of lesser importance than the main shopping street, Marlowes, to which it gives access. However, it is also clear that Bridge Street nevertheless has considerable vitality, not least because it forms the main thoroughfare from car parks to the west into the shopping centre. It has been pointed out that certain major shopping developments are taking place on the far side of Marlowes, but I accept the view of the Council that the importance of Bridge Street will still be maintained because of the substantial number of pedestrians who will continue to use it.
5. Under the local plan it is provided that in primary shopping frontages changes of use from shops to non-shop uses will normally be resisted, in order to maintain the commercial vitality of these parts of the centre. It is reasoned that the introduction of non-commercial uses can fragment such shopping frontages and that normally they should therefore be restricted to frontages of secondary importance. Under the non-statutory guidelines the Council have produced to elaborate upon the

local plan policies for such shopping areas, it is suggested that exceptions to the basic policy for primary shopping frontages should be restricted to cases where the alternative use would be particularly attractive to shoppers and where it would be of important benefit to nearby shops and the town centre as a whole.

6. There is no doubt that employment agencies such as that now being proposed arouse considerable interest from passers-by and that they require a position where they can "sell" their openings rather than being tucked away from the mainstream of pedestrians. You have said that the appellants' experience is that, in addition to personal callers at the established outlets elsewhere, most of the telephone enquiries result from seeing "the shop window display" in the centre. I am sure that this must be correct. I think it is also necessary to bear in mind the importance of such agencies in supplementing the work of local Job Centres. Many people find employment through them, and they can thus be regarded as helping to maintain the economic vitality not just of the town centre but also of the whole area generally.

7. In the present case the appeal site has a frontage of less than 5 m, and it does not adjoin premises in other non-retail use. In my opinion there would be no question of creating a "dead" frontage, but rather an additional point of interest for people using this street. It therefore seems to me that this proposed use would fall within the suggested exception for a primary shopping frontage of one which would be particularly attractive to shoppers and other passers-by and which would be of benefit to this street and the centre as a whole. I am satisfied that to establish such a use could not be regarded as inimical to the future vitality and well-being of the shopping centre.

8. I have therefore decided to allow this appeal as an exception to the normal local plan policy. I can appreciate the concern of the Council that this could in the future be quoted as a precedent, but each case must be treated on its own merits. In the present case it appears to me that the introduction of this use would have no adverse effect upon the commercial vitality of the town centre and should therefore properly be allowed.

9. The Council have requested that a condition should be imposed requiring a shop window display to be maintained at all times, and I am sure that this is necessary. For whilst the appellants would be willing to do so in any event according to the evidence put forward, I am concerned lest some future change might result in the blank window being left in the middle of this shopping frontage.

10. I have considered all the other representations made, but in my opinion none is of sufficient weight to affect my conclusions.

11. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use of the shop at No 1 Bridge Street, Hemel Hempstead, into an employment agency branch office, in accordance with the terms of the application (No 4/1392/89) dated 17 August 1989 and the plans submitted therewith, subject to the following conditions:

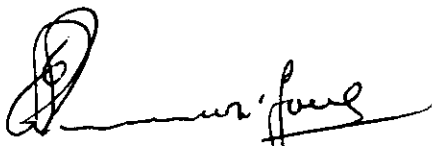
1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

2. a front window display appropriate to a shopping centre shall be maintained at all times.

12. The developer's attention is drawn to the enclosed note relating to the requirements of The Buildings (Disabled People) Regulations 1987.

13. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'G E Edmondson-Jones', written in a cursive style.

G E EDMONDSON-JONES LLB LMRTPI Solicitor
Inspector

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TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Select Appointments PLC
91 High Street
Crawley
Surrey

Anthony Bowhill & Associates
4 Leathermarket Street
London SE1 3HN

..... Change of use shop (A1) to Employment Agency (A2)
.....
at ... 1 Bridge Street, Hemel Hempstead

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 17 August 1989 and received with sufficient particulars on 18 August 1989 and shown on the plan(s) accompanying such application.

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

The proposed employment agency is located within a primary shopping frontage where applications for a change of use from shop to non-shop use will normally be refused. Having regard to the existence of other non-shop uses on the opposite side of Bridge Street, the change of use of this unit would have an adverse cumulative effect on the retail character of the street. Furthermore, provision exists in Policy 90 for the location of non-shop uses elsewhere within the Commercial Area of Hemel Hempstead.

Dated Twenty eighth day of September 1989

Signed.....

SEE NOTES OVERLEAF

P/D.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.