

m. d. b. y.



Department of the Environment

Room 1411

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 918

Switchboard 0272-218811

Messrs Cruikshanks
"Rye House"
29 London Road
HIGH WYCOMBE
Bucks

TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
18 JAN 1980	
FILE No.	DATE

Your reference
57/79/RP/JMS

Our reference

T/APP/5252/A/79/5286/G2

Date

17 JAN 1980

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR C BRISTOW
APPLICATION NO:- 4/1586/78

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 the continued use of land as site for one caravan at No 5 Canal Side, Station Road, Berkhamsted. I have considered the written representations made by you and by the council. I inspected the site on 4 December 1979.
2. The appeal site is a rectangular plot of land occupied by one caravan and has access to Station Road and to the canal tow path. Adjoining to the south-east is a similar plot also occupied by a caravan and then 2 houses. To the north-west is a public house with a brick-arched bridge beyond. On the opposite side of Station Road is a railway embankment, whilst on the opposite side of the canal is a timber yard, with the boat-hire yard further to the south-east.
3. On the non-statutory town centre map for Berkhamsted the appeal site is shown to be within an area primarily allocated for residential purposes. The boundary of the present Conservation Area runs between the adjoining public house and the site and then south-eastwards along the tow path thus just excluding the appeal site. In September 1976 the local authority published a policy statement covering various aspects of the Grand Union Canal, one of the objectives of which is to encourage the improvement and enhancement of the physical environment of the canal. In this connection it is proposed to extend the Conservation Area to include properties on the south side of Station Road, and, thus, the appeal site.
4. The use of the site for the standing of a residential caravan conforms to basic land use allocation for the land, and from my examination of the representations made, and my site visit, therefore, I consider the main issues in this case to be whether the use of the land for the standing of a caravan is detrimental to the visual amenities of the area, and whether there are any overriding personal circumstances.
5. I accept that the surrounding area is not particularly attractive in any obvious sense but it is generally tidy and the uses are appropriate to the canal side. The adjoining public house is, in my opinion a pleasant building and the timber yard opposite is a typical use to find on the waterside. The appeal site, the caravan site next door and the houses adjoining do not however contribute anything of good to this scene. The appeal site in particular presents a cramped, untidy appearance which, in my opinion, detracts from the general outlook of the area and the caravan itself is an alien element in a waterside

• scene, unlike the houseboats moored nearby which you mentioned. You have stated that because the use has been allowed for a considerable number of years, then the local authority must have thought the use suitable. However, at the times of the original and the second consents, the local authority had not formulated their ideas on the future of the canal area, nor stated their intention to improve the environment wherever possible.

6. You have explained the circumstances of the original consent for the caravan 1961 and the history of events since then. I appreciate that the caravan is your client's home and that he wishes to remain there, but no special personal circumstances have been put forward to justify the retention of the caravan against the, in my opinion, serious amenity objections.

7. I have considered all the other matters raised including the point that the site is too small to develop on its own. Whilst I accept that, on its own, it has little potential it could be amalgamated with adjoining land to form a more viable site. There are no other matters of sufficient weight to make me alter my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

V. Harris

MRS V HARRIS BA DipTP MRTPI
Inspector

Department of the Environment
Tollgate House
Houlton Street
Bristol BS2 9DJ

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. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971).

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 Secretary of State or Inspector, as the case may be, 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 (Inquiries Procedure) Rules 1974 (SI 1974 No. 419), which relate to the procedure on cases dealt with by the Secretary of State, and 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.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

Town Planning
Ref. No.

4/1586/78

Other
Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM

THE DISTRICT COUNCIL OF

IN THE COUNTY OF HERTFORD

.....

To Mr. Colin Bristow,
5, Canal Side,
Station Road,
Berkhamsted, Herts.

Continued use of land for caravan.
Previous application 4/1150/76
5, Canal Side, Station Road, Berkhamsted.
at

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 ~~22nd November 1978~~ 23rd November 1978 and received with sufficient particulars on and shown on the plan(s) accompanying such application.

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

The continued use of this site for the stationing of a residential caravan would have a seriously detrimental effect on the general character and visual amenity of the adjacent Conservation Area and the Grand Union Canal.

Dated 22nd December 78
..... day of 19

Signed 
Director of Technical Services
Designation

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.