



# Department of the Environment

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21 AUG 1980

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Cleared

Council ref T405/MR/4/1997/79E

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TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
21 AUG 1980	DATE
FILE	

Your reference

JMD/FED/J.447

Our reference

T/APP/5252/C/79/4116/G4

Date

20 AUG 1980

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
APPEAL BY MR J JOHNSTON  
LAND ADJACENT TO CHILTON HOUSE, CHESHAM ROAD, WIGGINTON

001671

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 also those made by interested persons. I inspected the site on 28 July 1980.

2. a. The date of the notice is 12 September 1979.

b. The breach of planning control alleged in the notice is the making of a material change in the use of the land to a use for the purpose of storage of building materials and plant.

c. The requirements of the notice are to discontinue the use of the said land for the purpose of storage of building materials and plant.

d. The period for compliance with the notice is 2 calendar months.

e. The appeal was made on ground 88(1)(a).

3. In summary the notice is being upheld and planning permission is not being granted.

4. The appeal land is on the west side of Chesham Road, and is reached by a tarmac cul-de-sac giving access to 3 recently built, good quality houses. At the end of the cul-de-sac, roughly at the southern end of the frontage of the southernmost of these houses is a kerb across the end of the road, against which is a plank, which appeared to be intended to make it easier to drive over the kerb on to the appeal site. On the site, beyond the kerb, was a short length of track hardened with rubble. The site itself was partly overgrown. On it were various items of builders materials and equipment - broken breeze blocks, concrete manhole surrounds, cast iron manhole covers, a concrete mixer, a dump truck, and what appeared to be one or two dismantled wooden sheds, to mention some of the items. They were in no particular order. Also on the site were a number of oil drums, some oil storage tanks, 2 work benches, some large old spanners, some old lorry parts, and some old filing cabinets.

5. As you point out, the land immediately south of the site is in use for the storage of rather similar materials and equipment. This, however, appears to have planning

permission dating from 1959, and is enclosed by a hedge. Although the appeal site is screened from the adjoining small houses fronting Chesham Road, from which it cannot be seen, it is close to the garden of one of the recent houses to the north, and can clearly be seen from the west, across the garden of Bungalow Nurseries, and the country beyond. Use of the site in this way must involve the moving of plant and goods vehicles close to the front of the 3 new houses to the north, with consequent noise disturbance. These are pleasant and attractive semi-rural surroundings, and the appearance and effects are in my opinion very damaging. The appeal fails on ground (a).

6. Although grounds (f) and (g) have not been raised I do not consider that the requirements of the notice are more than is needed to remedy the breach. I see no reason to increase the period for compliance. I have also considered all the other matters raised in the written representations, including the fact that a planning application for the use has also been made, but can see no reason to reach any other decision.

#### FORMAL DECISION

7. In exercise of the powers transferred to me, and for the reasons given above, I hereby dismiss your client's appeal, uphold the notice and refuse to grant planning permission on the application deemed to have been made under Section 88(7) of the Act of 1971.

#### RIGHT OF APPEAL

8. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal to the High Court against the decision are enclosed for those concerned.

I am Gentlemen  
Your obedient Servant



E D CREW CB DSO DFC MA FRAeS  
Inspector

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