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Council Ref 4/1606/85E/DPN and

Your reference 4/1616/85E

Our reference

T/APP/A1910/C/85/4258 & 4512/P6

Date

18 JUL 86

Mr I R Taylor
Parrot and Coals
14 Bourbon Street
AYLESBURY
Buckinghamshire
HP20 2RS

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEALS BY MR R B BARRINGTON
LAND AND BUILDINGS AT 20-21 RINGHALL, LITTLE GADDESSEN, HERTFORDSHIRE

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against 2 enforcement notices issued by the Dacorum Borough Council concerning the above mentioned land and buildings. I have considered the written representations made by you and by the Council and also those made by other parties including the Little Gaddesden Parish Council and interested persons and I inspected the site on Monday 19 May 1986.

NOTICE A

2. a. The date of the notice is 18 October 1985.
- b. The breach of planning control alleged in the notice is the change of use of that part of the land shown coloured green on the plan attached to the notice from use for residential purposes to use for research and development in connection with the manufacture of dry cleaning filters.
- c. The requirements of the notice are the discontinuance of the use on the said part of the land for research and development in connection with the manufacture of dry cleaning filters.
- d. The period for compliance with the notice is 3 months.
- e. The appeal was made on grounds 88(2) (b).

NOTICE B

3. a. The date of the notice is 18 October 1985.
- b. The breach of planning control alleged in the notice is the change of use of that part of the land shown coloured yellow on the plan attached to the notice from use for residential purposes to use for the parking of a motor lorry.
- c. The requirements of the notice are the discontinuance of the use of said part of the land for the parking of a motor lorry.

d. The period for compliance with the notice is one month.

e. The appeal was made on ground 88(2) (b).

4. The location and description of the appeals site are not in dispute and are well known to both the parties. The portion of No 20/21 coloured yellow is a forecourt about 4 m wide x 7 m long surfaced with tarmac. The green coloured land is the rear building which stands behind your client's house and is the subject of Notice A. It is divided internally into 2 parts set at slightly different levels, with a connecting passage between them. The northern part contains a variety of tools including a foot guillotine, circular saw, large lathe, a bench, arc welding equipment and a saw table. The southern section contains 2 compressors, milling machine, pedestal mill, a small lathe and sundry tools. A small extension at the southern end has domestic implements such as lawnmowers.

5. The appeal against Notice A claimed that the use alleged did not constitute a breach of control on the basis that Mr Barrington's use of the building as a workshop was by way of being a hobby. While I have no reason to doubt that some of the things he has made there since owning the property fall into that category - such as the bow window frame and bars, which I saw in his house - the Council's and local residents' evidence of dry-cleaning filters being off-loaded from lorries and of a Company employee working in the building for a number of days over several months has not been denied. Furthermore, and as the Council have pointed out, it is clear that Mr Barrington has conceded that research and development work has been carried out in connection with his design of filters. On that evidence I am satisfied that a material change of use occurred and therefore the appeal on ground (b) must fail.

6. Although ground (a) was not pleaded - that planning permission ought to be granted - I have nevertheless to consider the planning merits of the planning application which is deemed to have been made for permission by reason of Section 88B(3). The issue to be considered is the accumulated environmental effects which such a use could have on the amenities of residents and the domestic character of the immediate surroundings by reason of noise, traffic and parking arising from it. Although the floorspace is not very great I estimate it might be possible for some 3 or 4 people to be employed on the several machines. This could cause a certain amount of noise above the ambient levels normally experienced in the gardens and surroundings of private houses, which is what the other buildings served by this narrow cul-de-sac are. Your client's family are alleged to have 4 and sometimes 5 cars parked in the car ports and the forecourt attached to the property. Even if not all of these were present in normal working hours there could well be times when cars were left on the carriageway behind the appeal building. An increase in traffic would also be inevitable.

7. In those circumstances I consider the complaints already notified to me as a result of the past use would be likely to recur. Clearly any reasonable use by your client which was in the nature of a genuine hobby would be incidental to the enjoyment of his residential use; but I do not consider this would be the case if it involved even a single employee also being involved. It follows that I do not think this development would be appropriate in a residential area, notwithstanding the advice contained in Circulars 22/80 and 14/85, since the amenities of other residents would be adversely affected if it were permitted. While reasonable conditions regulating noise and hours of work could reduce these effects they could not overcome all of the objections. Accordingly planning permission will not be granted.

NOTICE B

8. I do not regard the parking of a commercial vehicle within a residential curtilage to be incidental to the residential use. For that reason it has attracted considerable criticism in this case. A number of cases including those quoted by the Council support the view that such a use is materially different from ordinary parking of private cars associated with the primary residential use. I am not satisfied on the evidence that any of the commercial vehicles illustrated in the photographs are your client's main means of transport to and from work. Ground (b) as pleaded fails because the necessary permission was not obtained.

9. The evidence on the deemed application supports the view that parking of a lorry on the forecourt area is objectionable on the grounds of visual amenity. The occupiers of Nos 18 and 19 are particularly affected by it because of its size and out-of-character appearance. It would not therefore be appropriate for planning permission to be granted. I have considered all the other matters raised in the representations on both of the notices but I am not persuaded by them to reach any other conclusion.

FORMAL DECISION

10. For the above reasons and in exercise of the powers transferred to me I hereby uphold both the notices, dismiss the appeals and refuse to grant planning permission on the applications deemed to have been made under Section 88B(3) of the 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 Sir
Your obedient Servant



H BRINKWORTH BA DipTP MRTPI
Inspector

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