



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

318

1/10/90
2/10/90

Project Design
25 West Wycombe Road
HIGH WYCOMBE
Bucks
HP11 2LQ

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.						Ack.
C.P.O.	T.C.P.M.	D.P.	D.C.	D.C.	Admin.	File
Received			22 JUN 1990		Date: 21 JUN 90	
Comments:						

Your Reference:

PD 27/89/RGP

Our Reference:

T APP/A1910/A/90/152237/P3

Gentlemen

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

APPEAL BY MR M A C SHANKS

APPLICATION NO: 4/1648/89

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission for the change of use and rearrangement of accommodation at 350 High Street, Berkhamsted. I have considered the written representations on these proposals made by you and the council, together with those of the Berkhamsted Town Council and interested persons. I inspected the site on 12 June 1990.

2. From what I have seen and read I consider that the main issue in this appeal is whether the absence of car parking to serve the appeal proposals would be likely to add appreciably or harmfully to on-street parking demands in the vicinity.

3. The council do not object to these proposals, except for the failure of the scheme to provide any parking spaces at all. In general a scheme like this would not require planning permission, but in previous consents for the change of use of the Carpenters Arms public house and the extensions thereto a condition was imposed restricting the use of the buildings to the storage of antiques and a workshop for the restoration of antiques, and for no other purpose.

4. You say that the scheme would eliminate existing poor space and remove the storage and workshop uses, reducing traffic movements to the site to deliveries only. However, I agree with the council that the creation of 370 sq m of refurbished B1 space is likely to give rise to significant vehicle movements from customers, callers and employees.

5. To accord with the council's standards there would be a parking requirement for no less than 15 spaces for the proposed office space, making no allowance for the shop which would remain at 350 High Street. I saw that there are a number of terraced houses on the east side of Park Street apparently without garages, and that there are other commercial premises using forecourt parking among the properties on the west side of the street. The impression I received during an afternoon



visit to Park Street on a weekday was of little if any free parking space at the kerbside, despite the location of the appeal site well outside the central core of the town.

6. I have taken account of the officers' report to members on this scheme, which acknowledged the parking problem in Park Street, but considered that an exception might be made for a modest amount of floorspace in an immediate setting of commercial uses. Nevertheless, though the council's parking standards might be considered severe in the context of a densely laid out small country town like Berkhamsted, I consider that the failure here to provide any spaces for new B1 use would increase local parking pressures to an unacceptable degree.

7. I have taken into account all other matters raised in the representations, but they do not outweigh the planning considerations that have led to my decision.

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

I am Gentlemen
Your obedient Servant



C J HOILE MA(Oxon) DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr M A C Shanks
c/o Stupples
18 High Street
High Wycombe
Bucks

Project Design
25 West Wycombe Road
High Wycombe
Bucks

.....
Infill extension, retention of retail unit and
change of use of remainder to B1 Offices
.....

at 350 High Street and 1-3 Park Street, Berkhamsted
.....

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 18 September 1989 and received with sufficient particulars on 3 October 1989 and shown on the plan(s) accompanying such application..

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

No car parking exists on site and proposed use would generate more need than the existing use.

Dated 1 day of February 1990

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

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 the date 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.