

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To **Berkhamsted Brick Co. Ltd.,**
275 High Street,
Berkhamsted,
Herts.

Alterations to existing building

Berkhamsted Brickworks, Shootersway, 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 **14th December, 1978,** and received with sufficient particulars on **22nd December, 1978,** and shown on the plan(s) accompanying such application.

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

1. The site is within the Chilterns Area of Outstanding Natural Beauty as defined in the approved Development Plan and is similarly defined in Hertfordshire 1981 Planning Objectives and Policies, where it is intended to permit only such development as would be appropriate within the Metropolitan Green Belt. Within the Green Belt it is the policy of the Local Planning Authority not to permit development unless it is essential for agriculture or other genuine Green Belt purposes, or unless there is some quite outstanding reason why permission should be granted. No such need or special circumstances are apparent in this case. Furthermore, the proposed development does not comply with Policy 2 of the submitted County Structure Plan Written Statement which states that it is the Local Planning Authorities' policy to retain a green belt extending over the whole of the rural county wherein there is a general presumption against development which will only be accepted, whether for the construction of new buildings or the change of use or extension of existing buildings, when the development is essential in connection with agriculture or clearly needed for recreation or other use appropriate to the rural area concerned.

Dated 19th day of February, 19 79.

Signed [Signature]
Designation **Director of Technical Services**

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.


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Reasons for refusal continued

2. Notwithstanding Reason 1 above, Policy 8 of the submitted County Structure Plan Written Statement states that, in order to limit the future growth of warehousing, regional warehouses and depots will be resisted unless it can be proved to the satisfaction of the Local Planning Authorities that they must be located in the county. Local distribution centres serving only the local community will be considered on their individual merits. In the absence of details of the occupiers of the proposed development, the application is unacceptable in the terms of this policy. Furthermore, the proposal is in conflict with Criterion (1) of Policy 8 which restricts warehouse development to land committed for primarily industrial purposes on 1st January, 1976. The application site is not so committed.

3. The proposed development would constitute the consolidation and intensification of a commercial use which would be seriously out of place in, and would have a detrimental effect upon, the character and visual amenity of this part of the Chilterns Area of Outstanding Natural Beauty.

19th February, 1979.



Signed

Designation.....Director of Technical Services.

APPEAL SCHEDULE

TECHNICAL SERVICES DEPARTMENT

Location of Appeal Site *The Brickworks, Shootersway, Barkhamsted*
 Appellant *Barkhamsted Brick Co Ltd* L.A. Ref. No. *4/1700/78*
 Appellant's Agent. _____ Secretary's Ref. _____
 Proposal *Alterations to existing building* 2525/268

APP/5252/A/79/04892

Date of Decision/~~Service of Enforcement~~
 Notice

19/2/79

Date Appeal lodged with D.o.E.

15/5/79 (within 6 months)

Date of receipt of Notice of Appeal
 by D.T.S.

25/5/79

Date Secretary notified of receipt of Appeal

Date of return of questionnaire to D.o.E.

6/6/79 (within 14 days)

Notification of Public Inquiry/~~Written~~

20/12/79

Date persons notified of Appeal

11/1/80 (min. 28 days
before P.1)

Date statement sent to: a) Appellant

21/1/80

b) D.o.E.

(min. 28 days
before P.1)

c) Secretary

21/1/80

Date plans sent to:

a) Appellant

(min. 28 days
before P.1)

b) D.o.E.

c) Secretary

Date list of persons notified of Appeal
 sent to:

a) Appellant

(min. 28 days
before P.1)

b) D.o.E.

c) Secretary

21/1/80

Date/Time of Site Inspection (Written
 Representations)

Confirmed date, time, location of Public
 Inquiry.

19 February 1980 - Civic Centre,
Barkhamsted - 10.00am.

Date Secretary notified of date etc. of
 Public Inquiry

4/1/80

Date Committee Room/Hall booked

Yes Checked on 4/1/80

Date Display Notice received by D.T.S.

Date Display Notice on Appeal Site if
 required

(min. 28 days
before P.1)

Date Proof of Evidence sent to Secretary

Decision *APPEAL DISMISSED - P.P. REFUSED*

Date received by D.T.S. *2-12-80*

Date Secretary notified *5-12-80*

Date reported to D.C. Committee *8-1-81*

FOR COPY OF
 INSPECTOR'S REPORT
 AND DOE DECISION
 LETTER SEE
 FILE 4/1587/79E

High Court