

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF **DACORUM**
IN THE COUNTY OF HERTFORD

To
Archdiocese of Westminster,
c/o Messrs. W. & F. Eves,
195 High Street,
UXERDIGE,
Middlesex.

Light industrial and warehousing development

at Stag Lane, Berkhamsted. (OUTLINE)

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 29th November, 1979, and received with sufficient particulars on 30th November, 1979 (as amended 4th January, 1980) and shown on the plan(s) accompanying such application.

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

Policies 3 and 4 of the Approved Hertfordshire County Structure Plan state that planning permission for industrial development will normally only be given where the local planning authority is satisfied that the activity needs to be located in the County in the national or regional interest. Similarly, Policy No. 8 states that permission for warehousing will normally be restricted to local distribution centres serving only the local community. Since no named occupiers have been put forward for the industrial or warehousing developments proposed in this application, their acceptability or otherwise cannot be assessed in the light of these policies, and hence the development is not acceptable.

Dated 10th day of January, 1980.

Signed 

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.



Departments of the Environment and Transport

Eastern Regional Office

Charles House 375 Kensington High Street

RETURN TO MR FOR COMMITTEE

Telephone 01-603 3444 ext 1446

CHIEF EXECUTIVE

OFFICER

29 JUN 1981

Frank Durrant Westman and Reeves
46 Cannon Street
London EC4

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36
APPEAL BY THE ARCHDIOCESE OF WESTMINSTER
APPLICATION NO 4/1784/79

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mr A H Gibb, MBIM, who held a local inquiry into your clients' appeal against the decision of Dacorum District Council, to refuse planning permission for development of light industry and warehousing on land at Stag Lane, Berkhamsted, Hertfordshire. A copy of the report is enclosed.

2. The Inspector said in his conclusions:-

"Bearing in mind the above facts, it is clear that despite the granting of planning permissions for residential development of the site, it is generally agreed that because of the industrial surrounds and the nature of the site such development is not to be preferred. The main issues are whether development for light industrial and warehousing use in the absence of a named occupier would be acceptable in the face of Policies No 3, 4 and 8 of the approved Structure Plan, and the effect of the proposed development in the context of possible hazard to traffic on the A41. There appears to be no evidence that development of this site would result in a significant increase in employment which might upset the balance between housing and employment. Furthermore, I accept that in the present economic climate, bearing in mind the time interval between the granting of planning permission and the completion of building, it would not be possible to guarantee that occupation would be by a user named at the time of application, if indeed such a user could be found. However, in this location towards the north-western point of the County, it would seem reasonable to secure the aims of Policies No 4 and 8 by a condition restricting use of the site to a local firm or firms.

On the question of the access to Stag Lane from the A41, there is no quantitative evidence as to the amount of traffic that might be associated with the proposed development. Turning traffic associated with a possible residential development of the site has been regarded as acceptable in the past, and although there is a significant difference between a private motor car and a commercial vehicle in size, performance and manoeuvrability, the general principle of intensification of the main flow of traffic along the busy A41 remains. At this stage the effect on this flow of a Berkhamsted By-pass cannot be assessed or taken into account. Improvement to Stag Lane itself, in terms of width and surface and the nature of its junction with the A41, would assist traffic entering and leaving the access, and there appears to be no basis for an assumption that the volume and nature of such traffic

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Your reference					

Our reference

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Date

26 JUN 1981

in connection with a light industrial and warehousing use of the appeal site would necessarily be significant in comparison with the present or potential future volume of vehicular traffic associated with the existing industrial users of the access along Stag Lane. I conclude, that there is no evidence of substance which might suggest that the proposed development is not accepted."

The Inspector recommended that the appeal be allowed and planning permission for light industrial and warehousing development granted subject to standard conditions and a condition limiting the occupier of the site to a local firm or firms.

3. The Secretary of State accepts the Inspector's conclusions that, on highway grounds, there is insufficient evidence to suggest that the proposed development is not acceptable.

4. On the other main issue, ie whether development would, in the absence of a named occupier, be acceptable in the face of the Structure Plan policies, the Secretary of State notes the agreement by all parties that the site is suitable for development of the kind proposed by the appellants. This being so, he has considered whether the circumstances of this case justify making an exception to the Structure Plan policies. The policies of restraint in Hertfordshire have the Secretary of State's support and he accepts that control is needed over large new employment activities unrelated to the county and which would create demands for housing and other services. At the same time, however, he is conscious of the need to encourage small firms particularly in the present economic climate and he accepts that a small site such as the appeal site has a contribution to make in this respect. He considers that a site of this size is unlikely to offer any attraction to a large company but is more likely to be occupied by established local firms, others serving the needs of the local community (including local branches of national companies) and newly formed local enterprises. Whilst it is recognised that this assumption may not always hold good, the Secretary of State notes that in this particular case there is some evidence of local firms expressing an interest in the site and he agrees with the Inspector that it is unlikely that development of the site would upset the balance between housing and employment. For these reasons he considers that an exception to the Structure Plan policies is justified and he proposes to grant planning permission for the development. The Secretary of State also notes the Inspector's conclusion that it would seem reasonable to secure the aims of the policies by a condition restricting use to a local firm or firms. He observes that the appellants would prefer that any such condition should not restrict occupancy to Hertfordshire firms, bearing in mind the proximity of the site to Buckinghamshire and Bedfordshire. The Secretary of State accepts that an occupancy condition would be appropriate in this case, but he considers it unreasonable to restrict occupancy to "local" firms as recommended by the Inspector since this would be insufficiently precise. It is therefore necessary to specify the area from which potential occupants should be drawn and it is thought that, to accord with the restraint policies in the Structure Plan occupancy should be limited to firms from within the county. A condition to this effect has been imposed, together with a condition limiting the amount of development which may be carried out, since no IDC was submitted with the planning application.

5. Subject to what is said above, the Secretary of State agrees with the Inspector's conclusions and accepts his recommendation. Accordingly he allows your clients' appeal and hereby grants planning permission for development of light industry and warehousing on land at Stag Lane, Berkhamsted, Hertfordshire, in accordance with application No. 4/1784/79 dated 29 November 1979 and the plan submitted therewith, subject to the following conditions:-

1. a. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority;
- b. Application for approval of the reserved matters shall be made to the local planning authority not later than 30 June 1984.

2. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

i. 30 June 1986; or

ii. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

3. The industrial and warehousing development hereby permitted shall not exceed 49,999 sq ft in total floor area.

4. For a period of 10 years from the first date of occupation, the development hereby permitted shall be used only by a firm or company occupying at the date of this permission, a building within the county of Hertfordshire which is used as a light industrial building or a wholesale warehouse or repository within the meaning of those terms in the Town and Country Planning (Use Classes) Order 1972.

6. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

7. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

MISS A GERRY

Authorised by the Secretary of State
to sign in that behalf