

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



**DACORUM BOROUGH COUNCIL**

DD

To Mr B Kaye  
c/o 30 Church Street  
Rickmansworth  
Herts

F J Thompson & Co  
30 Church Street  
Rickmansworth  
Herts WD3 1DJ

.....Changes of Use from Travel Agency/Offices to.....  
Offices  
.....  
at .....124 High Street, Berkhamsted, Herts.....  
.....

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 .....5.9.88..... and received with sufficient particulars on .....26.9.88..... and shown on the plan(s) accompanying such application.

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

The application site lies within a primary shopping frontage as designated in the adopted Dacorum District Plan, whereby changes of use from shop to non-shop uses are normally refused. In the opinion of the local planning authority, the use of these premises for offices on both floors and the consequent loss of a retail unit would be damaging to the character and retain amenities of Berkhamsted Town Centre, and would create an undesirable and potentially damaging precedent for other changes of use.

Dated .....Tenth..... day of .....November..... 19 88

Signed.....*Wm Bamford*.....

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 receipt 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.



# Planning Inspectorate

## Department of the Environment

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30 Church Street  
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WD3 1DJ

CHIEF EXECUTIVE  
OFFICER

10 JUL 1989

File Ref. ....  
Refer to ..... *C.P.P.* .....  
Cleared ..... *10/7* .....

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR B KAYE  
APPLICATION NO: 4/1800/88

Your reference

FJT/mw

Our reference *PLANNING*  
T/APP/A1910/A/89/113156/P21  
DACORUM BOROUGH COUNCIL

Date:

- 5 JUL 89					Ack.	
C.P.O.	T.C.P.M.	D.P.	D.G.	R.C.	Admin.	File

Received

10 JUL 1989

34076  
Comments

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the change of use from a travel agency/offices to offices at 124 High Street, Berkhamstead, Herts. I have considered the written representations made by you and by the Council and also those made by the Town Council. I inspected the site on 22 June 1989.

2. From my inspection of the site and its surroundings and the representations made I am of the opinion that the main issue is whether the proposed change of use would be detrimental to the character and retail amenities of Berkhamstead town centre.

3. I note that the appeal site lies within the commercial area as defined on the Proposals Map of the adopted Dacorum District Plan. The site is also in a primary shopping frontage as defined in Policy 90 of the District Plan, which states:-

"Planning applications for change of use from shop to non-shop uses in primarily shopping frontages will normally be refused."

This policy is elaborated by the non statutory council document entitled "non shop uses in shopping frontages."

4. I have also been mindful of the advice contained in Development Control Policy Note 11 referring to service uses in shopping areas.

5. The shopping area of Berkhamstead is principally linear in form. The appeal site lies towards the eastern extremity of the centre although I noted the presence of retail units further to the east beyond the church. The most important factors in this appeal are, in my opinion, the presence of non-retail uses in the terrace of properties within which the appeal site is located and the fact that no specific user is indicated for the proposed offices.

6. There are some 4 estate agents' premises and one insurance broker's in the terrace. Of the remaining units including the appeal premises, 2 are empty and 4 are in retail use. I therefore consider that the council's concern that the retail function of the frontage is in danger of being eroded is soundly based. Had the appeal proposal been for an identified service use, such as a bank, or building society, then the advice contained in PCPN11 would favour a permission. However no

intended occupier is stated and I must therefore consider the proposal on the basis of an unspecified office use. The appeal site lies at the end of the terrace, adjacent to the church and therefore, in my opinion, occupies an important terminal position. For the vitality of this part of the shopping centre I consider that this position should be occupied by a retail unit of a service use so that trade in the remainder of the terrace should not be diminished.

7. I therefore intend to dismiss this appeal. I have taken into account all the other matters raised, including the previous use of the premises for offices and the demand in the area for office accommodation, but these are not sufficient to override the considerations that have led to my conclusion.

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

I am Gentlemen  
Your obedient Servant



MARY A McCLUNE DipTP MRTPI  
Inspector