

**Department of the Environment and
Department of Transport**



Common Services

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CHIEF EXECUTIVE
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28 OCT 1988

File No.
refer to *C/O 28/10*
Cleared

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Z.E.S.

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Your reference **27061**

Our reference DEPARTMENT					
T/APP/A1910/A/88/695340/P2					
Date A/88/695341/P2					
Ref.					
C.P.O.	D.P.	DC	B.C.	Admin.	File

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY AUTOFARM LIMITED
APPLICATION NOS: 4/1988/87 AND 4/1989/87

Received **28 OCT 1988**
Comments

- As you will be aware, I have been appointed by the Secretary of State for the Environment to determine your clients' appeals against the decisions of Dacorum District Council to grant planning permission, subject to conditions, for 1. the erection of a workshop extension (including a spray booth and oven) and 2. the erection of 10 lock-up garages (ancillary to motor vehicle sales and the workshop building) on land at Autofarm Limited, London Road, Cow Roast, Tring, Hertfordshire. You will remember that I made an accompanied site inspection on the morning of Friday 7 October 1988.
- The conditions which are in dispute are Nos 8 in both the relevant permissions and prohibit (vehicular) traffic from entry to or exit from the site onto the A41 (road) along the route marked "exit only" on drawing No: TMB5987/C/lin the north-western corner of the site. The reason for the imposition of these conditions was to safeguard the interests of highway safety.
- On the basis of my inspection of the appeals site and its surroundings and my consideration of the written representations made by you, the local planning and highway authorities and interested persons, I have decided that the key issue in both these appeals is whether or not the removal or variation of the conditions would adversely affect the future safety and free flow of traffic using the A41 trunk road and, if so, whether the effect would be so harmful as to justify the retention of the conditions and the prohibition of both entry and exit of vehicles at this point.
- My site inspection revealed that the appeals site is occupied by a retail motor business which is mainly housed in modern single-storey industrial buildings of attractive appearance. The site extends to about 6,500 sq m of which about 1,100 sq m is covered floorspace. The remainder of the site is given over either to open storage of vehicles awaiting sale or repair or to the parking of staff and customers cars. The site adjoins a fairly conventional filling and service station to the south-east which has a frontage of some 100 m or so to the A41 trunk road and has separate entry and exit points for vehicles.
- The trunk road, at this point, has a slightly winding course and a single 7.6 m wide carriageway. Speed is limited to 60 mph and the road is unlit. At the northern end of the appeals site, an unclassified minor road runs in at right angles from the north-east, having crossed the Grand Union Canal some 60 m back from the main road by means of a narrow but extremely handsome traditional hump-backed bridge. At a point some 4.5 m back from the edge of the trunk road carriageway,

visibility to the north is better than 200 m and, to the south, of the order of 150-200 m; the actual distance being somewhat curtailed by the presence of roadside signs along the filling station frontage.

6. The visibility at the side road junction, which is the point at which your client proposes to introduce additional traffic leaving the appeal site by means of a re-opening of a former access, now closed, is distinctly better than that to be found at the southern end of the filling station. Here, the available visibility, when measured some 2 m back from the edge of the carriageway is about 200 m to the north and some 150 m to the south. The carriageway of the trunk road, before and after the side road entry, is subject to double centre line prohibition of overtaking and the only relevant traffic sign is adverse warning of the sharp bend after the junction for northbound traffic, the sign being located about 250 m in advance of the bend itself. There is no advance signing of the side road junction or of its direction or its weight restriction.

7. It appears to me that the effect on trunk road traffic would be wholly favourable if future traffic leaving the appeals site were to be allowed to use the former access point at its north-west apex. Visibility is inherently better in both directions since the side road junction is located on the outside of a fairly sharp curve. Moreover, the amount of traffic using the side road appears to be extremely light since no vehicles at all used it during my 30 minute site inspection and its carriageway narrows to about 3 m or so over the bridge and traffic is also restricted by a 2 tonne axle weight limit on the bridge itself.

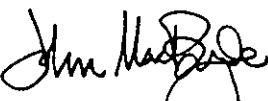
8. However, the condition applies to both entering and leaving traffic. Although your client proposes a one-way system of movement within the appeals site, it seems to me that the effect of simply removing the condition subject of the appeals would be to allow traffic to enter the site at its north-western end. This, in my view, would be detrimental to traffic safety and free flow because the slowing of traffic at this point might well lead to end to end collisions whereas these are effectively avoided by the present flared access to the filling station as well as by good forward visibility at that point.

9. In arriving at the above conclusions, I have very carefully considered all the other matters raised but do not find them of enough weight to affect my decision. I have fully borne in mind the appeals site's location in both the Metropolitan Green Belt and the Chiltern Area of Outstanding Natural Beauty and conclude that the use of the intended exit would marginally improve the visual amenity of the site and its highly attractive surroundings by dint of ensuring the removal of a number of stationary vehicles apparently awaiting sale or repair.

10. For the reasons which I have given above and in the exercise of the powers transferred to me, I hereby allow these appeals and vary the planning permissions (Nos: 4/1988/87 and 4/1989/87) granted by Dacorum District Council on 17 March 1988 for 1. the erection of a workshop extension (including a spray booth and oven) and 2. the erection of 10 lock-up garages (ancillary to motor vehicle sales and the workshop building) on land at Autofarm Limited, London Road, Cow Roast, Tring, Hertfordshire by deleting Conditions No 8 and substituting the following conditions:

8. No vehicular traffic shall gain entry to the site from the A41 (T) road at the north-west corner of the site as indicated "exit only" and Drawing No TMB5987/C/1.

I am Sir
Your obedient Servant



JOHN MACBRYDE RIBA MRTPI MCIT FRSA
Inspector

Town Planning Ref. No. 4/1988/87

Other Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

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

To Autofarm Ltd.,
Cow Roast,
London Road,
Tring, Herts. HP23 5RE

G.V. Bunyan, Esq.,
14 Queen's Road,
Berkhamsted,
Herts. HP4 3HU

Erection of ten lock-up garages ancillary to motor
vehicle sales and workshop building
at Autofarm Ltd., London Road, Cow Roast, Tring,
Herts. HP23 5RE

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 permit the development proposed by you in your application
dated 18.12.87
and received with sufficient particulars on 30.12.87 (amended 14 March 1988)
and shown on the plan(s) accompanying such application, subject to the following conditions:-

- (1) The development to which this permission relates shall be begun within a period of 5 years
commencing on the date of this notice.
(2) No work shall be started on the development hereby permitted until
details of materials to be used externally shall have been submitted to
and approved by the local planning authority, and the development hereby
permitted shall be carried out in the materials so approved.

Cont.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.
- (2) To ensure a satisfactory appearance.
- (3) To maintain and enhance visual amenity.
- (4) To ensure adequate parking accommodation is retained within the site in relation to the capacity of the workshops and to restrict development within the Metropolitan Green Belt in accordance with adopted policies.
- (5) To ensure that reasonable facilities are made available to record archaeological evidence.
- (6) To maintain and enhance visual amenity.
- (7) To ensure a satisfactory appearance.
- (8) In the interest of highway safety.

Dated.....day of.....19.....

Signed.....

Designation

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, Marsham Street, 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 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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.

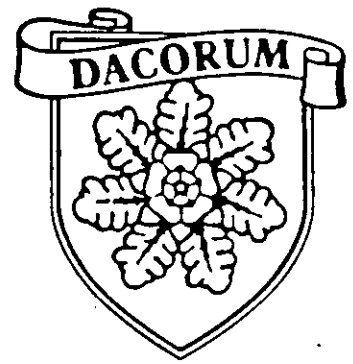
- (3) All planting, seeding and turfing comprised in the landscaping details shown on Drawing No. TMB 5987 C.1 (Plan Ref. 4/1988/87) and referred to in Condition (6) hereof, shall be carried out in the first planting and seeding seasons following occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year.
- (4) The development hereby permitted shall be used solely for the parking and storage of motor vehicles ancillary to the workshop and retail sales uses on the remainder of the site of which it forms part and no repair work, painting or spraying activities or other similar operations shall be carried out upon such vehicles whilst they are parked or stored within the said development.
- (5) The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow him to observe the excavations and record items of interest and finds.
- (6) Notwithstanding the landscaping details shown on Drawing No. TMB 5987 C.1 (Plan Ref. 4/1988/87) no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping upon the north-eastern boundary of the site and upon the site presently used for the storage of motor vehicles which are to be accommodated in the development hereby permitted, together with details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows.
- (7) The development hereby permitted shall not be occupied until the 1.8 m high ranch-style fencing shown on Drawing No. TMB 5987 C.1 (Plan Ref. 4/1988/87) shall have been erected and it shall be retained at all times thereafter.
- (8) No traffic shall gain entry to or exit from the site to the A41 along the route marked 'Exit only' on Drawing No. TMB 5987 C.1 in the north-western corner of the site.

Dated 17 th March 1988

Signed



Designation Chief Planning Officer



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref. No. 4/0328/93

G Bunyan Associates
Wellside
Newton Road
Stoke Hammond
Milton Keynes
MK17 9DE

DEVELOPMENT ADDRESS AND DESCRIPTION
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Autofarm Ltd, Cow Roast, London Road, Tring

SUBMISSION OF DETAILS OF LANDSCAPING PURSUANT TO CONDITION 6 OF PLANNING PERMISSION 4/1988/87 (ERECTION OF ANCILLARY LOCK-UP GARAGES)

Your application for *the approval of details or reserved matters* dated 09.03.1993 and received on 10.03.1993 has been *GRANTED*, subject to any conditions set out on the attached sheet(s).

Director of Planning.

Date of Decision: 31.03.1993

(encs. - Conditions and Notes).