

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To

Diamond Cutters (Herts) Ltd	D Wilson BA FRICS
90 Dundale Road	27 Hall Park
Tring	Berkhamsted
Herts	Herts

..... Change of use to builders yard/storage

.....

at 31A Beaconsfield Road, Tring

.....

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 7.11.88 and received with sufficient particulars on 8.11.88 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 proposed use of the site and premises would be seriously detrimental to the residential amenities of the adjacent dwellings by reason of noise and general disturbance.
2. Access to the proposed development is inadequate and unsuitable for the traffic which could be generated by the intended use, by reason of restricted width and lack of on-site parking and turning facilities.

Dated 23rd day of February 1989

Signed..... *[Signature]*

Chief Planning Officer

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.

than a dozen times a year and that equipment can be conveyed by a small goods vehicle, and no machinery will be used on site. It is clear from the past history of the site that difficulties have arisen as a result of various non-conforming uses in this predominantly residential area. It would appear from the applicant's supporting evidence that the premises are intended to be used as a store rather than a builders' yard. Even so, although it is contended that delivery would be no "more than a dozen times a year" there would be little control that could be exercised over frequency of visits to the site. Moreover, to accept the intended use of the premises would introduce scope for undesirable noise generating activities which may be difficult to control following the actual grant of planning permission.

Policy 48 (a) of the District Plan states that such proposals are normally only granted permission when located within a defined industrial area. There is a policy objection in this case as the area is largely residential. Having regard to the potential for noise disturbance, this is a case where such nuisance could not be successfully controlled or ameliorated by way of condition.

✓ RECOMMENDATION - That planning permission be REFUSED (on form DC4) for the following reasons:

1. The proposed use of the site and premises would be seriously detrimental to the residential amenities of the adjacent dwellings by reason of noise and general disturbance.
2. Access to the proposed development is inadequate and unsuitable for the traffic which could be generated by the intended use, by reason of restricted width and lack of on-site parking and turning facilities.

* * *