

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



**DACORUM BOROUGH COUNCIL**

To  
Midfair Properties Ltd  
51 Green Street  
London  
W1Y 3RH

Melvin Lansley & Mark  
Archway House  
105a High Street  
Berkhamsted

.....Erection of two four storey office buildings.....  
.....and decked car park.....  
at..... Site of Rex Cinema, 93-101 High Street.....  
.....Berkhamsted.....

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 ..... 19 December 1989 ..... and received with sufficient particulars on ..... 19 December 1989 ..... and shown on the plan(s) accompanying such application..

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

1. In the absence of any evidence to demonstrate that every possible effort has been made to continue the last use or find a suitable alternative use for the building, the Council are of the opinion that insufficient justification has been put forward as part of this application to override the presumption in favour of the preservation of the Listed Building.
2. The bulk, mass and design of the proposals are out of character with the Berkhamsted Conservation Area and would adversely affect the setting of nearby listed buildings.
3. The proposed development does not provide for a replacement cinema on the site, contrary to District Plan Policy 85.

Dated ..... 26th ..... day of ..... April ..... 19 90

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

Chief Planning Officer

SEE NOTES OVERLEAF  
P/D.15

CONTINUED  
OVER-

4. The proposed development would be likely to give rise to unacceptable traffic conditions in Three Close Lane and at the junction of this road with the A41 as a result of the additional traffic movements to and from the site.

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 the date 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.

DC.4 NOTES