



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

PLANNING DEPARTMENT GTN 1374
DACORUM BOROUGH COUNCIL

Christopher Pallet
5/7 Station Approach
Great Missenden
Buckinghamshire
HP16 9AZ

Ref.					Ack.	
C.P.O.	T.C.P.M.	D.P.	D.C.	R.C.	Admin.	File
Received				18 MAR 1991		
Comments					Date: 15 MAR 91	

Your Reference:

Our Reference:

T/APP/A1910/A/90/163266/P7

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY TRING YOUTH CLUB
APPLICATION NO: 4/2075/89

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the change of use of the upper ground floor to offices with the retention of the lower ground floor as youth club at The Church House, Western Road, Tring. I held a hearing into the appeal on 15 January 1991.
- Tring Youth Club owns and occupies a Victorian former meeting hall a short distance outside the centre of Tring. The building sits on a sloping site and at the front is of single storey appearance but has two full storeys at the rear. It consists of a hall on the upper floor and a number of smaller rooms on the lower floor. The lower floor is mainly used for Youth Club activities, including a coffee bar and games room, while the hall is considered by the management to be too large and expensive to heat for their purposes. It is available for letting by local organisations although I was told it has a noisy and expensive heating system which makes the room difficult to use in winter.
- From the representations made at the hearing and in writing and from my inspection of the site and its surroundings I consider that the main issues in this appeal are whether the use of part of the building as offices would amount to an undesirable spread of such uses outside the defined centre of Tring; whether there would be a harmful loss of community, social and recreational facilities, and whether there would be adequate car parking associated with the development.
- The policies of the council, both of the approved Hertfordshire County Structure Plan and the adopted Dacorum District Plan aim at restricting new office accommodation to the centre of Tring. The purpose behind this approach is stated to be to control the total growth of offices in the District because of its relationship to housing demand and to minimise the impact of offices on established land uses. The appeal building lies outside the centre as defined by the District Plan. Although the area contains a mixture of uses I consider that there is a clear distinction between this section of Western Road and the central area of Tring where shopping and commercial uses predominate and it is

in my view appropriate that different policy considerations should apply. While the limitations imposed on such policies by the Town and Country Planning (Use Classes) Order 1987 must be recognised I can understand the concern that the unjustified granting of permission for uses more suited to the town centre in inappropriate locations would erode the basis of the council's policies and reduce their effectiveness.

5. The council has prepared a draft Dacorum Borough Local Plan the proposals for which have been the subject of recent public consultation. Policy 63 of the draft Plan aims to resist development which would result in the loss of viable social and community facilities unless satisfactory alternative provision is made. However the draft plan has not yet completed its stages and this reduces the weight which can be attached to it. The proposed development would result in the loss of a hall available for letting for community and social purposes but the council have not demonstrated any lack of such facilities in Tring at present. There would be a reduction in the size of the youth club premises, but that would not in itself be harmful and as the club suggest might make their premises more economic and thus increase their viability.

6. The council considered that the spread of office uses outside the defined areas could result in harm to the amenities of the area and to its character. It might also create a precedent for similar development elsewhere. However this is a proposal to change the use of part of an existing building which is at present in a use with the potential to cause considerable harm to local amenity through noise and disturbance. I consider that the use of the upper floor as offices would in this respect represent an environmental improvement. It is in an area of mixed character and no external alterations are proposed as part of this appeal. Any that were necessary could be controlled by the council to ensure that the visual character of the area was protected.

7. Turning to the question of car parking the submitted plan showed that the existing apron in front of the building could be widened to accommodate 6 cars. The council's car parking standards would normally require 8 spaces for offices of the proposed gross floorspace but bearing in mind the nature of the building, which would limit the number of employees, and its relative proximity to the town centre, I do not consider that harm would result from the failure to meet the full standards. I have borne in mind that the proposed use would be in addition to the use of the lower floor for continued youth club purposes but the hours of operation of the two uses would be unlikely to overlap significantly and it is realistic in my view to expect a sharing of the car park.

8. I have concluded that this alternative use for an existing building within the urban area would not harm the aims underlying the council's policies. I have reached this conclusion on the planning considerations rather than on the basis of the club's financial circumstances, which in my view would not themselves justify departing from well-founded and relevant policy. I can understand the council's fear of precedent but since the circumstances of this case are unlikely to be repeated precisely I am confident that the council could deal with any other proposals for similar uses outside the defined area on their merits. I have taken into account all the other matters raised in the representations and in the hearing but none of them is of sufficient weight to alter my decision.

9. In addition to the standard condition as to the timing of the commencement of development I intend to impose a condition requiring that car parking to an approved scheme be laid out before the use is commenced, to avoid any unnecessary parking on the highway.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby allow your appeal and grant planning permission for the change of use of the upper ground floor to offices with the retention of the lower ground floor as youth club at The Church House, Western Road, Tring in accordance with the terms of the application (No 4/2075/89) dated 7 December 1989 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. before the use is commenced car parking shall be laid out at the front of the building in accordance with a scheme to be submitted to and approved by the local planning authority.

11. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

12. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990. The developer's attention is drawn to the enclosed note relating to the requirements of The Buildings (Disabled People) Regulations 1987.

I am Sir
Your obedient Servant



Michael Culshaw MA(Cantab) MA MRTPI
INSPECTOR

APPEARANCES

FOR THE APPELLANTS

Mr C J Pallet FRICS	agent for the appellants
Mr R Tucker	Trustee, Tring Youth Club
Mr R Lockwood	Chairman, Tring Youth Club

FOR THE PLANNING AUTHORITY

Mr J R Doe BSc (Hons) MRTPI	Senior Planning Officer, Dacorum Borough Council
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DOCUMENTS

Document 1	List of persons attending the hearing
Document 2	Notification of the hearing and list of addresses
Document 3	2 letters of objection
Document 4	Copy of Committee report
Document 5	Copies of press cuttings
Document 6	Statement on behalf of local planning authority with appendices: A Extracts from Hertfordshire County Structure Plan B Extracts from Dacorum District Plan C Extracts from Dacorum Borough Local Plan Consultation Draft D Interim Parking Guidelines 11.10.89

PLANS

Plan A.1,2	Application Plan
Plan B	Dacorum District Plan Proposals Map
Plan C	Extract from Dacorum Borough Local Plan Proposals Map
Plan D	OS extract showing non-residential uses in area

PHOTOGRAPHS

Photographs 1 - 4 Photographs of appeal building

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Tring Youth Club
The Church House
Western Road
Tring
Herts

Christopher Pallet
5/7 Station Approach
Great Missenden
HP16 9AZ

Change of use of first floor from Youth Club to
Offices
at The Church House, Western 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 7.12.1989 and received with sufficient particulars on 21.12.1989 and shown on the plan(s) accompanying such application.

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

1. This proposal for a change of use to office use is on a site which is located outside the defined Commercial Area on the proposals map of the adopted Dacorum District Plan. Policy 53 of this plan states that such proposals will normally only be permitted within the Commercial Areas. The proposal is consequently unacceptable in terms of this policy, which aims to prevent the spread of offices into residential areas.
2. The proposal involves the loss of a substantial part of a building which is used for community, social and recreational facilities, to the detriment of the provision of such facilities available in the area.
3. There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.

Dated 15th day of March 1990

Signed *Wm. B. ...*

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 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.