

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Select Appointments PLC  
91 High St  
Crawley

Anthony Bowhill & Associates  
4 Leathermarket St  
London SW2 3BU

..... Change of use from shop to employment agency .....  
.....  
at ..... 121 Marlowes, Hemel Hempstead .....  
.....

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 ..... 17.11.88 ..... and received with sufficient particulars on ..... 22.11.88 ..... and shown on the plan(s) accompanying such application.

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

The site is within a designated primary shopping frontage, wherein a change of use from shop to non-shop will normally be refused. Provision exists within Policy 90 of the Dacorum District Plan for the proposed use to be located elsewhere within the Commercial Area, which would not result in a loss of designated primary shopping frontage.

Dated ... .. 12th ..... day of ..... January ..... 1989

Signed..... *Anthony Bowhill*

Chief Planning Officer

SEE NOTES OVERLEAF

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.

4/2121/88. CHANGE OF USE FROM SHOP TO EMPLOYMENT AGENCY.  
 121 MARLOWES, HEMEL HEMPSTEAD.  
 APPLICANT: SELECT APPOINTMENTS PLC

DESCRIPTION - The premises comprises a two storey unit with window display at ground floor level. The unit is presently used for the sale of carpets. The total floor area is 185 m. The proposal involves a change of use of the ground and first floors to an employment agency branch office. On one side of the premises is a Chinese restaurant and to the other, a travel agents. The premises, on the east side of Marlowes between Hillfield Road and Selden Hill, forms part of a primary shopping frontage.

POLICIES

Hertfordshire County Structure Plan 1986 Review

Policies 64, 65, 66 and 67

Dacorum District Plan

Commercial Area; Policy 90

REPRESENTATIONS

None

CONSIDERATIONS - Policy 90 contains a strong presumption that planning permission will be refused for non-shop uses in primary shopping frontages. Policy 67 of the Structure Plan Review states that the main retail core of town centres will be defined in District Local Plans and this means there is a presumption that existing retail uses will remain. The Dacorum District Plan identifies part of the retail core as being between Hillfield Road and Selden Hill within which this property lies, and therefore existing retail uses should remain. Moreover, an A3 use (Chinese restaurant) already exists in the premises adjacent to No. 121 and a further loss of A1 frontage would undermine the Shopping Area Policy.

There are other areas within the commercial zone where a use such as that proposed could be considered more favourably, as can be seen by the decision to allow a change of use from shop to employment agency at 24 Market Square, Marlowes.

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

The site is within a designated primary shopping frontage, wherein a change of use from shop to non-shop use will normally be refused. Provision exists within Policy 90 of the Dacorum District Plan for the proposed use to be located elsewhere within the Commercial Area, which would not result in a loss of designated primary shopping frontage.