



DEPARTMENT OF THE ENVIRONMENT

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Your reference
91-0129
Our reference
APP/A1910/H/91/1146
Date
27 MAR 1992

Gentlemen

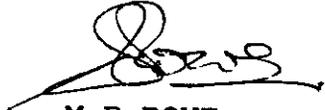
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
REGULATIONS 1989
APPEAL: HEMEL HEMPSTEAD STATION CAR PARK, LONDON ROAD, HEMEL
HEMPSTEAD

1. I am directed by the Secretary of State for the Environment to refer to your appeal against Dacorum Borough Council's refusal to permit the display, at the above-mentioned site, of a 48-sheet poster panel. The Secretary of State's decision has been made on the basis of the written representations and the submitted photographs and an officer of the Department has inspected the site. The third party representations have also been taken into account.
2. The descriptions of the appeal site and the surrounding area, contained in the Council's statement enclosed with their letter dated 26 September 1991, are generally agreed. However, the small hipped-roof building adjacent to the point of egress from the railway station now appears to be vacant.
3. The appeal panel was not being displayed at the time of the site inspection.
4. The Council have referred to their adopted policies for control over the display of advertisements as set out in the District Plan and the Borough Local Plan Deposit Draft. These general policy statements have been taken into account as a material consideration in the determination of this appeal. As the Regulations require that the local planning authority, and the Secretary of State on appeal, shall exercise their powers only in the interests of amenity and, where applicable, public safety, taking account of any material factors, it is not considered that the Council's policies should, by themselves, be decisive in the determination of the appeal.
5. The appeal site comprises part of a naturally vegetated embankment which helps to define the western exit from a small "one-way system" serving Hemel Hempstead railway station. The station is effectively at the edge of the town's built

development and faces an area of generally attractive countryside which is designated as an Area of Special Control of Advertisements. The relatively large appeal panel, measuring about 6m by 3m, would be positioned on the southern side of the service road close to a Roman site (Ancient Monument) and a pleasant, small scale hipped-roof building formerly in commercial use but now vacant. The panel in its elevated position would be rather divorced from the main commercial aspect of the station and its attendant service facilities. It would command an open outlook across fields towards the Grand Union Canal and would be viewed in a setting of mature trees and shrubs, against which it is thought the panel would stand out as an inappropriate and incongruous feature. It is considered that, by reason of its size and siting, the panel would stand out as an unduly prominent and intrusive feature on the station fringe; and it is concluded that its display would, therefore, be detrimental to the interests of amenity.

6. Accordingly, the Secretary of State dismisses the appeal.

I am Gentlemen
Your obedient Servant



M R ROWE
Authorised by the Secretary of State
to sign in that behalf

Department of the Environment
Tollgate House
Houlton Street
Bristol
BS2 9DJ

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1989
APPEAL TO THE HIGH COURT - APPLICABLE TO ALL APPEALS

1. Under the provisions of Section 288 of the Town and Country Planning Act 1990 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date of the accompanying letter.

2. The grounds upon which an application may be made to the Court are:-

a) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or

b) that any of the relevant requirements have not been complied with, and that the applicant's interests have been substantially prejudiced by the failure to comply.

3. The "relevant requirements" are defined in Section 288 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any Order, Regulations or Rules made under those Acts, or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Control of Advertisements) Regulations 1989 (SI 1989 No 670) and the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No 419).

4. A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

INSPECTION OF DOCUMENTS - APPLICABLE ONLY TO APPEALS WHICH WERE THE SUBJECT OF A HEARING

5. Under the provisions of Rule 13(3) of the Town and Country Planning (Inquiries Procedure) Rules 1974 any person entitled to be notified of the decision given in the letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, or the supply to him of the report, whichever is the later, for an opportunity of inspecting any documents, photographs, and plans appended to the report. Such documents etc. are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference No. shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days notice should be given, if possible.