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21/764

C

F R Alldritt Esq
Icknield Way
New Mill
TRING
Hertfordshire

Your reference

Our reference

T/APP/1743/C/73/2196/G4

Date

21 APR 1975

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9

APPEAL BY C M ANDREWS ESQ

LAND AND BUILDING OR STRUCTURE ADJOINING THE TRACK ALONGSIDE THE WESTERN BANK OF THE CANAL FEEDER TO THE WEST OF LONGBRIDGE CLOSE, TRING, WITH ACCESS OFF ICKNIELD WAY, NEW MILL, TRING

1. I refer to this appeal, which I have been appointed to determine, against an enforcement notice served by the former Tring Urban District Council, acting on behalf of the Hertfordshire County Council concerning the above-mentioned land and building or structure. I have considered the written representations made by you and by the council and also those made by an interested person. I inspected the site on 18 March 1975.

2. a. The date of the notice is 8 August 1973.

b. The breach of planning control alleged in the notice is the erection of a timber framed building or structure on or over the said land without the grant of planning permission.

c. The requirements of the notice are to demolish the said building or structure and clear the site thereof.

d. The period for compliance with the notice is 2 months.

e. The appeal was made on ground 88(1)(a).

3. From my inspection of the site and its surroundings and from the written representations made, I am of the opinion that the determining issues in this case are whether the said building or structure is likely to detract substantially from the appearance and character of the neighbourhood and engender increased hazards to road safety.

4. The appeal site, roughly triangular in shape lies some 125 yds to the north-west of Icknield Way from which access is gained via a mainly un surfaced, pot-holed track, which is no more than about 9 ft wide in parts. The northern boundary of the site, some 40 yds long, adjoins the Wendover arm of the Grand Union canal. Between the north-east boundary which is about 35 yds long and residential development forming part of the western boundary of the built-up area of New Mill there is a narrow watercourse leading into the canal. Open country which is predominantly agricultural encompasses the site to the south-west, west and north. A galvanised iron fence some 6 to 8 ft high extends throughout most of the perimeter of the site.

5. Where the access track joins it, Icknield Way has a carriageway width of some 16 ft with a grass verge about 12 ft wide on the site side, and a wider verge and a footway opposite. A 40 mph speed restriction is in force and the road carries broken white line markings. There is a sharp incline in the road at this location.
6. A caravan used as an office stands in the southernmost corner of the site and there are some old, single storey buildings of permanent construction roughly midway along the south-western boundary. A timber framed structure, some 60 ft long and 16 ft wide clad in parts with corrugated iron sheets and with a small extension at its south-east end abuts a portion of the north-east boundary. A section, some 12 ft wide near its south-east end is used as a "setting-out" shop. The remainder contains some 7 items of power-operated machinery associated with shop-fitting and joinery processes. One person was working therein at the time of my visit. Mains electricity is installed. I observed on the site, a 3 ton truck, 2 vans, 2 private cars and piles of bricks, breeze blocks, rubble and waste materials.
7. I note that the said building or structure occupies the site of former buildings which enjoyed agricultural use and which had existed since the turn of the century. They were totally destroyed by fire on 8 December 1972. Planning permission was not however obtained for erection of the replacement structure which occurred within a period of 4 years of the date on which the notice was served.
8. The site is within an area of Great Landscape Value wherein the council, quite rightly in my opinion, intend that new building will be permitted only in exceptional circumstances. The said structure whilst replacing former buildings, does not seem to me to satisfy any agricultural need nor serve a purpose directly related to the requirements of a rural community. The site lies in predominantly open countryside to the west of a built-up part of New Mill and in my opinion the said structure intrudes into the visual amenity of the locality.
9. I would expect the presence of the said structure to engender increased activity at the appeal site due to the comings and goings of vehicles and people to and from it. The long, narrow access track runs in close proximity to the curtilage of dwellings. The regular passage of traffic along it and the increased activity at the site are likely, in my opinion, both individually and collectively to detract substantially from the predominantly rural character of the area. Moreover, it seems to me that vehicles turning into and out of the access track are likely to prejudice road safety on a busy section of a 40 mph restricted road where there is a sharp incline and which it is proposed to upgrade in status.
10. Having considered also all the other matters raised in the written representations I do not find them strong enough to override the factors that have led me to my decision.
11. Although grounds 88(1)(f) and (g) were not pleaded I consider that the requirements of the notice are reasonable. However, in view of the amount of work entailed in demolishing the said structure and clearing the site thereof it seems to me that the period allowed for compliance is inadequate. I therefore propose to vary this period and to uphold the notice so modified.

FORMAL DECISION

12. For the above reasons and in exercise of the powers transferred to me I hereby direct that the notice be varied by deleting from paragraph 2 thereof the words "two months" and by substituting "4 months". Subject to this variation I uphold the

notice and dismiss your client's appeal. I also refuse planning permission on the application deemed to have been made under Section 88(7) of the 1971 Act.

RIGHT OF APPEAL AGAINST DECISION

13. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Sir
Your obedient Servant

V. C. Otter

V C OTTER CBE CEng FIMechE FRAeS MBIM
Inspector