

H.C.C. Code No. W/1480/61.

L.A. Ref. No. 197/61

ADMINISTRATIVE COUNTY OF HERTFORD.

The Council of the BOROUGH OF BERKHAMSTED. URBAN DISTRICT OF RURAL DISTRICT OF

TOWN & COUNTRY PLANNING ACT, 1947

To Berstead Investments Ltd., per Messrs. Ardin and Brookes and Ptners. 6, Cavendish Place, LONDON W.1.

Conversion, alterations and additions to form retail shop with ancillary accommodation at 162/166 High Street,

Brief description and location of proposed development.

In Pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council on behalf of the Local Planning Authority hereby refuse the development proposed by you in your application dated 12.7.61. and received with sufficient particulars on 13.7.61. and shewn on the plan(s) accompanying such application.

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

The premises are affected by a Highway improvement line of approximately 17 feet over the whole of the Water Lane frontage and the proposed alterations and additions would seriously prejudice the carrying out of the proposed highway improvement.

Dated 20th day of October, 1961.

Deputy Clerk/Surveyor of the Council. [Signature]

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 by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 16 of the Town and Country Planning Act, 1947. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such 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 provisions of Section 14 of the Act and 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 Minister of Housing and Local Government, 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 Council of the County Borough or County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 19 of the Town and Country Planning Act, 1947.

(3) In certain circumstances, a claim may be made against the local planning authority or the Minister of Housing and Local Government for compensation, where permission is refused, or granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 20 of the Town and Country Planning Act, 1947, and Part II of the Town and Country Planning Act, 1954.

If you wish to have a further explanation of the reason for this decision, it will be given on request and a meeting arranged if necessary.



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: *Locoplan, Parl, London*

Telephone: VICTORIA 8540 , ext. 126

Please address any reply to

THE SECRETARY

and quote: APP/839/A/53368

Your reference:

22 MAR 1962

Gentlemen,

Town and Country Planning Act, 1947, Section 16
Land at 162/166, High Street, Berkhamsted
Appeal by Berstead Investments Limited

1. I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. R. Woodford, Dip.T.P., A.M.T.P.I., on the local inquiry into your clients' appeal against the decision of the Berkhamsted Urban District Council, acting on behalf of the Hertfordshire County Council, to refuse permission for the alteration of premises to form a retail shop on land at 162/166 High Street, Berkhamsted.

2. The Inspector, a copy of whose report is enclosed, recommended that your clients' appeal be allowed for the following reasons:-

(1) There were no firm proposals for completing the widening of Water Lane.

(2) The proposed development would not prejudice any future proposals which the local authority might make for completing the widening of Water Lane.

3. The Minister agrees with the findings of his Inspector. While he accepts that a widening of Water Lane is necessary he does not think that there is justification for the major improvement envisaged by the Council. In his view a widening of about 8 ft. should be sufficient. The appellants have gone to some lengths to prepare a scheme of modernisation which would have a minimal effect on the Council's proposals for widening. In view of this and the fact that the Council cannot foresee when the road improvement will be undertaken the Minister does not think he would be justified in withholding permission. Accordingly, he allows your clients' appeal and hereby grants permission for the alteration of premises at 162/166 High Street, Berkhamsted in accordance with the plan submitted with the application dated 12th July, 1961.

4. The Minister notes that your clients are now prepared to proceed with a scheme for the complete rebuilding of the premises within a line which would allow for an 8 ft. widening of Water Lane and that plans are at present before the local planning authority but the Minister has not had regard to the merits of such a proposal in considering the present appeal.

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Messrs. Harris, Chetham and Company,
Solicitors,

2 Bentinck Street,
LONDON, W.1.

5. This letter does not purport to convey any approval or consent which may be required under any enactment (including any byelaws, orders or regulations) other than section 12 of the Town and Country Planning Act, 1947.

I am, Gentlemen,
Your obedient Servant,

(MISS E. M. BARBER)

Authorised by the Minister
to sign in that behalf