

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the ~~BOROUGH OF~~

URBAN DISTRICT OF TRING

~~REGULAR DISTRICT OF~~

TOWN & COUNTRY PLANNING ACT, 1962

To G.A. Smith, Esq.,
52, Beaconsfield Road,
TRING, Herts.

Depot for garaging and parking of two motor
coaches.
at 33, Beaconsfield Road, Tring.

Brief description and location of proposed development.

In pursuance of their delegated 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 16.7.64. and received with sufficient particulars on 17.7.64. and shewn on the plan(s) accompanying such application.

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

- 1. The proposed use does not conform to the zoning shown on the approved Town Map.
- 2. A use of this nature would be detrimental to the amenities of the residents in the immediate vicinity of this proposal.

Dated 15th day of September, 1964.

[Signature]
Clerk/Surveyor of the Council.

NOTE.

(1) If the applicant wishes to have an explanation of the reasons for this refusal it will be given on request and a meeting arranged if necessary.

(2) 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 23 of the Town and Country Planning Act, 1962. 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 provision of Section 17(1), 18(1) and 38 of the Act and of the Development Order and to any directions given under the Order.

(3) 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 District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 129 of the Town and Country Planning Act, 1962.

(4) 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 123 and Part VI of the Town and Country Planning Act, 1962.



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: *Locoplan, Parl, London*

Telephone: VICTORIA 8540 , ext. 513

Please address any reply to

THE SECRETARY

and quote: APP/1743/A/89305

Your reference:

W/1743.64

24 MAY 1965

Sir,

Town and Country Planning Act 1962 - Section 23
Appeal by Mr. G. A. Smith

1. I am directed by the Minister of Housing and Local Government, to refer to the report of his Inspector, Mr. A. B. Salmon, M.I.C.E., M.I.Mun.E., M.I.W.E., M.T.P.I., on the local inquiry into your client's appeal against the refusal of Tring Urban District Council, acting on behalf of Hertfordshire County Council, to permit the use of land at the rear of 33 Beaconsfield Road, Tring as a depot for garaging and parking two motor coaches.

2. The Inspector, a copy of whose report is enclosed, was of the opinion that the proposed use of the site as a depot for garaging two motor coaches would be inappropriate in a residential neighbourhood, both visually and because of noise in excess of that otherwise to be expected in such surroundings. He considered also that the normal use of the street by vehicles of local residents and others would be unduly interfered with. Your client's contention that his proposal should be allowed because of a previous use of part of the site as a builder's yard was a matter for legal consideration. From the planning aspect, however, it appeared that while a builder may be of service to a residential district in which he had a small depot, there was no such interdependence in the case of your client's business. The Inspector recommended that the appeal should be dismissed.

3. Consideration has been given to your client's contention that the proposal under appeal was not inconsistent with the previous use of the premises as a builder's yard. Insofar as this may be a contention that the proposal could be carried out without planning permission the Minister has no jurisdiction formally to determine that issue in this appeal. On the evidence available, however, the view is taken that the proposal would constitute a material change of use requiring planning permission. The Minister sees no reason to disagree with the Inspector's conclusions on the merits of the case, and accepts his recommendation; accordingly he dismisses your client's appeal.

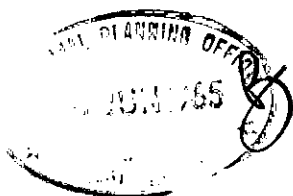
I am, Sir,

Your obedient Servant,

H. C. HOLLINGTON

(H. C. HOLLINGTON)

Authorised by the Minister
to sign in that behalf



Mr. P. J. Fountaine
27 Castle Street
BERKHAMSTED
Hertfordshire