

H.C.C. Code No. W/1747/62.

L.A. Ref. No. BR/94/62.

ADMINISTRATIVE COUNTY OF HERTFORD.

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

TOWN & COUNTRY PLANNING ACT, 1947

To Long Marston Circuits Ltd. (Three Counties Kart Klub) per G.A. Kirk, Esq., Treworgie, 22, Lockers Park Lane, Hemel Hempstead, Herts.

Renewal of permission for use of existing concrete roadways on derelict ex R.A.F. bomb storage site as sprint and kart racing circuit, at on north-west side of Cheddington Lane, Long Marston, near Tring, Herts.

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 6th. September, 1962, and received with sufficient particulars on 10th. September, 1962, and shewn on the plan(s) accompanying such application.

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

That the noise caused by the "Go-Kart" racing is excessive and unreasonable, and is detrimental to a number of residents in the neighbourhood. In addition "Go-Kart" racing is unsuitable for a country district.

Dated 18th. day of October, 19 62.

(sgd) L. Henderson

Clerk/Surveyor of the Council.

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.

W/1747/62

BERKHAMSTED RURAL DISTRICT COUNCIL

L. Fennell.
Clerk of the Council.

Boxwell House,
275, High Street,
Berkhamsted, Herts.

My Ref: LF/REC.

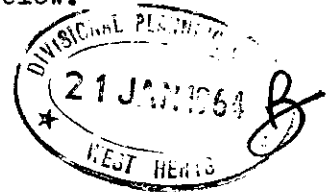
20th. January, 1964.

Town and Country Planning Act, 1962.
Land at Cheddington Lane, Long Marston - Sprint and Go-Kart
Racing Circuit.

The Chairman of the Council thought that Members would like early notification of the result of the application to the Minister of Housing and Local Government for confirmation of the Direction under Article 4. of the Town and Country Planning General Development Order, 1963.

A copy of the Minister's decision is given below.

Yours faithfully,



COPY LETTER.

MINISTRY OF HOUSING AND LOCAL GOVERNMENT

Our Ref: P2/1919/19/1.
Your Ref: LF/CR.

Whitehall, London, S.W.1.

17th. January, 1964.

Sir,

I am directed by the Minister of Housing and Local Government to refer to your letter of 19th. September, 1963, and to say that he has come to the conclusion after very careful examination of the question, that he would not be justified in confirming the Article 4 direction relating to land at Cheddington Lane, Long Marston.

Firstly, the direction is, in the Minister's view, far too widely drawn for its expressed purpose of permanent control of Go-Kart racing and similar sports on the land. As submitted, it would withdraw completely the permission to use this land on a very limited number of occasions in a year, for in the words of the General Development Order, "any purpose" and not only for Go-Karting. No case has been made out for this.

Secondly, the Minister is not satisfied that there is any question of the appeal decision being nullified by the exercise of the General Development Order permission. The question at issue on the appeal was whether permission should be renewed for the use of the site for sprint and kart racing on what would be tantamount to a permanent basis, free of any restriction as to the number of meetings or practices. The Inspector thought that it should not, and moreover that it would not be enough to restrict the number of occasions on which the circuit would be used. It should be remembered, however, that he expressed this view in the context of the permission sought, and talked in terms of serious interference in people's lives if frequent practices and race meetings were resumed. The Minister thought that such interference was conclusive and, in the circumstances, sufficient to warrant dismissal of the appeal. He is not satisfied, however, that there is a sufficient case to justify taking away the right expressly granted by Parliament to use the land for a very limited number of occasions.

I am, Sir,

Your Obedient Servant,

(sgd) L.B. GRIMSHAW.

The Clerk of the Berkhamsted
Rural District Council,
Boxwell House, 275, High St.,
Berkhamsted.

COPY.

MINISTRY OF HOUSING AND LOCAL GOVERNMENT.

Ref:
APP/1919/A/66350.

Whitehall,
London, S.W.1.

24th. July, 1963.

Gentlemen,

Town and Country Planning Act; 1947. Section 16.
(now Town and Country Planning Act, 1962. Section 23)
Land at Cheddington Lane, Long Marston - Appeal
by Messrs Long Marston Circuits Ltd.

1. I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. S. Robertson, B.Sc., (Est. Man.), on the local inquiry into your Clients' Appeal against the decision of the Berkhamsted R.D.C., acting on behalf of the Herts. C.C., to refuse permission for the continued use of land at Cheddington Lane, Long Marston, for sprint and go-kart racing.
2. The Inspector, a copy of whose report is enclosed, said that it was clear that the location of the go-kart circuit in relation to inhabited areas was unsatisfactory because places up to $1\frac{1}{2}$ miles away were affected to an unreasonable degree by noise when it was in use. If the track were situated in a hollow or if it were surrounded by earthworks of a suitable shape, size and location, the noise unavoidably made by the engines of the go-karts might be deflected or absorbed to some degree; but that was not the case at the appeal site. The prevailing wind has also failed to protect the more heavily populated parts of this rural area from noise. He thought it would not be enough to restrict the number of occasions upon which the circuit could be used. Many people would still suffer from the introduction of mechanical noise into a peaceful countryside. The Inspector recommended that the appeal should be dismissed.
3. The Minister is of the opinion that go-karting circuits are not necessarily out of place in country districts, more especially where, as in your Clients' case, use is made of existing installations and little or no physical development is involved. The issue before him is primarily one of noise. He observes that the appeal site lies in the open countryside, not less than half a mile from the nearest houses; the surrounding area is mainly flat, with no natural features which would absorb or deflect noise coming from the site. Experience of the use of the circuit since 1960 led the Council to the conclusion that noise from race meetings and practices was in fact of an intensity which was objectionable to nearby residents. The Minister recognises that it is not easy to assess the effects of noise, and evidence on the point at the inquiry was conflicting; some local people who had no interest in go-kart racing thought that the noise was not obtrusive and that complaints had been exaggerated. The Inspector was satisfied, however, that there was a substantial number of people whose normal lives would be seriously interfered with if frequent practices and race meetings were resumed and this seems to the Minister to be a decisive consideration in the circumstances. He has, therefore, decided to accept the Inspector's recommendation, and accordingly hereby dismisses your Clients' appeal.

I am, Gentlemen, Your Obedient Servant.

(sgd) M.E. Barber (Miss)
Authorised by the Minister to sign in that
behalf.

Messrs. Wilkins and Son,
25, Walton Street,
Aylesbury,
Bucks.