

**ADMINISTRATIVE COUNTY OF HERTFORD**

The Council of the BOROUGH OF **HEMEL HEMPSTEAD**

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**TOWN & COUNTRY PLANNING ACT, 1962**

To **Piccotts End Mill Ltd.,  
The Provender Mills,  
Piccotts End,  
Hemel Hempstead.**

	<b>Grain silos</b>
at	<b>Piccotts End Mills, Piccotts End, Hemel Hempstead.</b>

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 **31st August 1964** and received with sufficient particulars on **1st September 1964** and shewn on the plan(s) **8259/2** accompanying such application.

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

**The proposed development would have an adverse and injurious effect on the character and amenities which at present exist in Piccotts End.**

Dated **25th** day of **January** 19 **65**

*C. W. ...*  
~~XXXXXXXXXXXXXXXXXXXX~~

Clerk/Surveyor of the Council.

**PLEASE SEE NOTES OVERLEAF**

SEE NOTES OVERLEAF

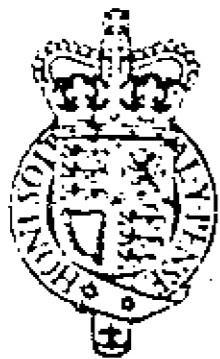
NOTE.

(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.



8259/3 J  
MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, London, S.W.1

Telephone: 01-839 8020 , ext. 29

Please address any reply to

THE SECRETARY

and quote:

APP/199/A/18472

22 MAR 1968

Your reference:

Sir,

Town and Country Planning Act 1962 - Section 23  
Appeal by Piccotts End Mill Limited

1. I am directed by the Minister of Housing and Local Government to say that consideration has been given to the report of the Inspector, Mr. V. Leslie Nash, F.R.I.B.A., M.T.P.I., who held a local inquiry into your clients' appeal against the decision of the Hemel Hempstead Borough Council, acting on behalf of the Hertfordshire County Council, to grant planning permission, subject to conditions, for the erection of an extension to the existing mill on land at The Procter Mills, Piccotts End, Hemel Hempstead. (H.C.C. Code No. W/1036/65; L.A. Ref. No. 8253).

3). The conditions imposed by the local planning authority were:-

- (1) samples of the roofing material shall be submitted to and approved by the local planning authority before any site works are begun;
- (2) a landscaping scheme shall be submitted to the local planning authority for their approval within six months of work starting on the site and the scheme, as approved, shall be completed within twelve months of the date of such approval and shall be thereafter maintained to the reasonable satisfaction of the local planning authority;
- (3) close screen fencing 6 feet high shall be erected on the north-western boundary of the site at the same time as the building is erected and shall be thereafter maintained to the reasonable satisfaction of the local planning authority;
- (4) the building and access shall not be used nor shall any vehicles be parked there on Sundays or Bank Holidays nor between 8 p.m. and 6 a.m. on other days;
- (5) the premises shall not be used in any manner detrimental to the amenities of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash or grit;
- (6) the building shall be used only for the storage of materials required in connection with the agricultural business carried on in the mill.

/At

P. J. Fountaine, Esq.  
F.R.S.A.,  
Surveyor  
27 Castle Street  
BERKHAMSTED  
Herts.

At the inquiry, and as indicated in their statement of 26th September 1967 served in accordance with the Town and Country Planning (Inquiries Procedure) Rules 1965, Paragraph 6 (2), the local planning authority sought to secure the addition of a further condition as follows:-

"the extension shall be clad in white Marley-clad with felt backing in a manner satisfactory to the local planning authority and to the following extent:-

- (i) the whole of the area of the north-west elevation above the level of the top of the doors;
- (ii) the whole of the area on the north-east elevation between the brick piers at each end of the elevation;
- (iii) the whole of the area on the south-west elevation between the brick piers at each end of the elevation but excluding the windows.

The cladding shall be completed within three months of the date of the Minister's decision on this appeal and thereafter be maintained to the reasonable satisfaction of the local planning authority".

2. A copy of the report is enclosed. The views expressed in a letter from Mr. A. H. Turner, of 158 Piccotts End, have also been taken into account, together with the appellants' comments thereon.

3. It is noted that the inquiry was adjourned to enable the parties to confer and clarify the issues between them. As a result they agreed as follows:-

Conditions 1, 5 and 6 were no longer at issue, being now acceptable to the appellants.

Condition 2. The appellants agreed to carry out landscaping in agreement with the Council. Alternative schemes had been worked out, depending on whether the cladding of the building was eventually required or not required.

Condition 3. The appellants agreed to erect close-boarded fencing 6 feet high on the northwestern boundary of the site within 3 months of the appeal decision, and maintain it thereafter to the reasonable satisfaction of the local planning authority.

Condition 4. This remained at issue, as did the new conditions stipulating cladding of the building, which the local planning authority sought to secure.

4. The Inspector in his conclusions said that he was of the opinion that:-

- (i) the extension under inquiry was visually inoffensive in its present state, when seen from B.486, both in relation to the main mill, Nos. 119 and 119A Piccotts End and the rear elevations of the houses in Mill Close. Its impact on passers-by in Piccotts End was negligible and with regard to the house on the eastern side of that road, it had deprived them of a pleasant landscape view to the west, rather than introduced an eyesore;
- (ii) this was not to say that the overall effect of the extension could not be improved, in detail, by painting out the external faces of the portal frames, the rolled steel joist lintel and the padstones, and by repainting the rolling shutter below in the same tint as the downpipes. All this was worth doing, but there was no aesthetic or practical call for cladding.

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The submitted landscaping scheme "without cladding" would be pleasant and effective and should be adopted. For these reasons he (the Inspector) was not suggesting acceptance of the council's proposed seventh condition (about cladding);

- (iii) the extension was an integral part of the mill premises and curtilage. The appellants had certain unfettered use rights and accordingly Condition No. 4 seemed ambiguous and contentious, and could perhaps be unenforceable;
- (iv) Condition No. 5, although ultimately accepted by the appellants, also seemed ill-based. The main mill building, of which the extension was an integral part had long been used for milling and grinding cereals. It was unbelievable that these processes had not given rise, and would not continue to give rise, to noise, vibration and cereal dust and flour. The electric conveyor, taking cereals from the extension to the grinding floors, and the large delivery vehicles feeding the silos, could hardly be noiseless;
- (v) Condition No. 6, again ultimately accepted by the appellants, seemed somewhat redundant in view of the terms of the application. It would not be an unusual event for delivery vehicles to be garaged overnight alongside the silos in the extension and such garaging, which the Inspector regarded as reasonable, might prove a source of conflict.

The Inspector recommended that the decision on this appeal be so worded as to:-

- (a) discharge Condition No. 1, which had been fulfilled;
- (b) amend Condition No. 2 to require landscaping in accordance with the council's submitted plan numbered 8259/3 marked "A - plan showing suggested planting without cladding", the planting to be completed by 30th March 1968 and thereafter maintained at all times to the reasonable satisfaction of the planning authority;
- (c) amend Condition No. 3 to require the erection of close boarded screen fencing 6 feet high, on the north-western boundary of the site, by 30th March 1968;
- (d)-(f) discharge Conditions Nos. 4, 5 and 6.

5. It is considered necessary to clarify the basis of this appeal and the manner in which it has been dealt with by the Minister. The appeal lies against a planning permission granted subject to conditions. The Minister has power under the Act to allow or dismiss the appeal, reverse or vary any part of the decision of the local planning authority, or to deal with the application as if it had been made to him in the first instance. In this case the local planning authority have sought to secure the variation of one of the conditions imposed on the permission appealed against, and also the addition of a further condition over and above those originally imposed. The dispute between your clients and the local planning authority is largely centred on the question of whether or not the extension which formed the subject of the planning permission now under appeal should be externally clad with weather-boarding. Insofar as the southwest and northwest elevations of the building are concerned, the Minister appears to have no jurisdiction, strictly speaking, to decide this matter, since the plan submitted with the application for planning permission included elevations showing weather-boarding on these two sides of the building, and planning permission was granted for the building shown on the plan. No elevation of the northeast side of the building was shown in the application for planning permission and (in the absence of any condition on the point) it would seem that it is open to your clients to give this side of the building any appearance they choose. The local planning authority are, of course, (as indicated above) now

/seeking

seeking to persuade the Minister, in the exercise of his jurisdiction on the appeal, to add a condition which will (inter alia) require white Marley-clad to be applied to part of this side of the building.

6. The Minister is in broad agreement with the Inspector's conclusions, though he has some reservations. He sees no particular reason to interfere with Condition 1 even though it may have been fulfilled. He sees no reason to disagree with the Inspector's view that there is no special need in this case to insist on the cladding of the extension but, as has been said, this is not an issue which is properly before him in the context of this appeal insofar as the northwest and southwest elevations of the extension are concerned. He is unable, therefore, to comment on the agreement which has been reached between the parties on the alternative landscaping schemes. He agrees that Condition 4 is improper and should not have been imposed. Condition 5 is thought to be objectionable for the reason that it appears to relate to the manner of the use of the building (i.e. the occupier's behaviour) rather than to the scope of the use itself. Condition 6 is not thought to be justified on the merits, and taking into account that the intended use of the building (as partly expressed in the application) was for the mechanical handling of all materials used in the mill, as well as for storage.

7. The Minister therefore accepts the Inspector's recommendation to the extent that, as regards the conditions attached to the planning permission dated 14th July 1965 (H.C.C. Code No. W/1036/65) under appeal, he hereby

- (i) discharges Condition 2 and substitutes therefor the following condition:-  
"A scheme of landscaping and tree planting shall be carried out on the site in agreement with the local planning authority, such scheme to be submitted to the authority within 6 months from the date of this letter";
- (ii) discharges Condition 3 and substitutes therefor the following condition:-  
"A screen of close-boarded fencing 6 feet high shall be erected along the whole length of the northwestern boundary of the appeal site, adjoining No. 121 Piccotts End, within 3 months from the date of this letter"; and
- (iii) discharges Conditions 4, 5 and 6.

8. This decision is given without prejudice to any application which your clients may make under section 20 of the Town and Country Planning Act 1962 to retain the extension in its present form; that is, without the white painted weather boarding on the south west and north west elevation which is a feature of the building for which planning permission was granted on 14th July 1965.

9. Section 179 of the Town and Country Planning Act 1962 provides that if a person is aggrieved by any action on the part of the Minister of a description which includes the present decision, on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to that action, he may within six weeks from the date on which the action is taken apply to the High Court to quash the action. The relevant requirements are any requirements of the Act of 1962 or of the Tribunals and Inquiries Act 1958 or of any order, regulations or rules made under either of those Acts which are applicable to this action. If the application is made on the grounds that any of the relevant requirements have not been complied with, it must be shown to the satisfaction of the Court that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to the action. A similar right of appeal is given by the Section to the local authority directly concerned with the action.

I am, Sir,  
Your obedient Servant,

(H. C. HOLLINGTON)  
Authorised by the Minister  
to sign in that behalf.