

H.C.C.
Code No. **W2694/63**L.A.
Ref. No. **115/62/63****ADMINISTRATIVE COUNTY OF HERTFORD**The Council of the ~~Borough of~~.....URBAN DISTRICT OF **TRING**.....~~Borough of~~.....**TOWN & COUNTRY PLANNING ACT, 1962**To **Messrs. Wm. Batey & Co., (Exports) Ltd.,
Gaiety Works,
Akeman Street,
TRING, Herts.**

Retention of temporary storage building

at **rear of 29 to 31, Akeman Street, 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 **21.12.63.** and received with sufficient particulars on **23.12.63.** 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 primary reason for granting the previous planning permission dated 11th September, 1962 for a limited period (that is, during the reconstruction of the Gaiety Works at 77/80, Akeman Street) no longer applies.
2. The present loading and unloading in Akeman Street obstructs the highway. The condition on the Planning Permission dated 11th September, 1962 which prohibited this has been persistently disregarded.
3. The prominent part of the building has been constructed with unsatisfactory and unsightly materials which detract from the amenities of the neighbourhood.
4. The property is in an area which is zoned primarily for residential use on the Review Town Map which has been submitted to the Minister. The building also adjoins the boundary of the proposed Central Area on this Map and where further industrial use will be discouraged by the Local Planning Authority.

Dated **24th** day of **January,** 19 **64.**~~Chief~~ 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.

Please address any reply to

THE SECRETARY

and quote: APP/1743/A/80316, 82061 and 80317

Your reference: W/2694-63; 237-64 and 24-64
(1) (2) (3)

4 JAN 1965

Sir,

Town and Country Planning Act 1962: Section 23
Appeals by Messrs. William Batey and Company (Exports) Limited
and Messrs. V. Kent Enterprises Limited
Applications Nos. 115/62/63, 22/62/64 and 37/62/64

I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. L. T. B. Kealey, B.Eng.(L'Pool), A.M.T.P.I. who held a local inquiry into your clients' appeals against the refusals of Tring Urban District Council, acting on behalf of Hertfordshire County Council, to permit:-

- (i) the retention of a temporary storage building at the rear of Nos. 29/31 Akeman Street, Tring;
- (ii) the continuation of the use for the storage of teleprinter and telecommunication equipment of premises at Nos. 29, 31 and 32 Akeman Street, Tring. ^{3247/67}

2. The appeal in respect of application No. 37/62/64 was withdrawn at the inquiry, and the Minister has therefore confined his attention to the two remaining proposals.

3. The Inspector is of the opinion that Nos. 29, 31 and 32 Akeman Street are incapable of economic rehabilitation and that, pending redevelopment, their use as proposed by your clients is preferable to their becoming empty and derelict; the use for storage does not cause nuisance to neighbouring residents and the volume of traffic generated by the use is not likely to cause obstruction in Akeman Street to any significant degree. The Inspector considers that in view of the need for storage space pending the completion of the redevelopment of the Gaiety Cinema site and since redevelopment of Surrey Place is unlikely to take place within the next three years, the continued use of the premises for such a period is reasonable but the permission should inure for the benefit of your clients only. The Inspector recommends that the two appeals be allowed conditionally.

4. Whilst the Minister has no jurisdiction to determine the question formally in the context of these appeals, the argument put forward on behalf of your clients that no planning permission is required for the present use of Nos. 29/32 Akeman Street has been considered. From the evidence given at the inquiry and the copy letter from Nuvec Products Limited sent by your clients on 8th October, it appears that the premises were previously used predominantly as a shop for the sale of provisions, within Class I of the schedule to the Town and Country Planning (Use Classes) Order 1963. The present use for the storage of equipment in connection with your clients' business of reconditioning for sale second-hand teleprinter and telecommunication equipment at the Gaiety Cinema works is substantially different and falls within Class X of the Order. It is considered therefore that there has been a material change in the use of the premises, involving development for which planning permission is required.

/5. It is

A. J. Harry Esq.
Solicitor
5/6 Stephyns Chambers
Bank Court
Marlowes
Hemel Hempstead, Herts.



5. It is noted that your clients undertake to replace the unsatisfactory cladding on the prefabricated building. The Minister agrees with his Inspector's conclusions on the merits of the appeals and accepts his recommendation. Accordingly he hereby grants planning permission:-

- (i) for the retention of the temporary storage building at the rear of Nos. 29/31 Akeman Street, Tring, subject to the condition that the building hereby authorised shall be removed and the land reinstated to its former condition on or before 31st December 1967; and
- (ii) for the continuation of the use for the storage of teleprinter and telecommunication equipment of premises at Nos. 29, 31 and 32 Akeman Street, Tring, subject to the condition that the use hereby authorised shall be discontinued not later than 31st December 1967,

each of such permissions to operate for the benefit of Messrs. William Batey and Company (Exports) Limited and Messrs. V. Kent Enterprises Limited only.

6. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 13 of the Town and Country Planning Act 1962.

I am, Sir,
Your obedient Servant,

(Signed) D. G. POMEROY

(D. G. POMEROY)
Authorised by the Minister
to sign in that behalf.

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the ~~BOROUGH~~

URBAN DISTRICT OF TRING

~~ROBURY DISTRICT~~

TOWN & COUNTRY PLANNING ACT, 1962

To Messrs. Wm. Batey & Co., (Exports) Ltd.,
Gaiety Works,
Akeman Street,
TRING, Herts.

Retention of temporary storage building

at rear of 29 to 31, Akeman Street, Tring.

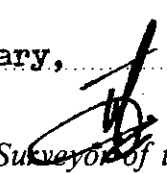
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4. The property is in an area which is zoned primarily for residential use on the Review Town Map which has been submitted to the Minister. The building also adjoins the boundary of the proposed Central Area on this Map and where further industrial use will be discouraged by the Local Planning Authority.

Dated 24th day of January, 1964.


 Clerk/Surveyor of the Council.

NOTE.

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-5. JAN 1965



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Post 5.1.65

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each of such permissions to operate for the benefit of Messrs. William Batey and Company (Exports) Limited and Messrs. V. Kent Enterprises Limited only.

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(Signed) D. G. POMEROY

(D. G. POMEROY)
Authorised by the Minister
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