

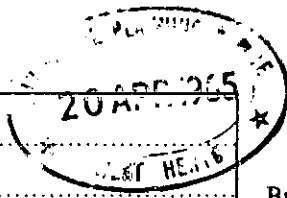
H.C.C. Code No.	V/3040/64
L.A. Ref. No.	5580

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the ~~Parish~~ of
 Urban District of
 Rural District of Hemel Hempstead.

TOWN & COUNTRY PLANNING ACT, 1962

To Mr. T.E. O'Donnell,
 Fairfield,
 Brook Lane,
 Alderley Edge,
 Cheshire.

Transport Depot, Parking, Warehouse	
at Whitehill Wood Cafe, Flamstead, Herts.	
(Part Parcel 204 on OS. HERTS. XXVII.5)	

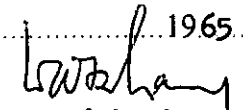
Brief description and location of proposed development.

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 21/12/64 and received with sufficient particulars on 23/12/64 and shewn on the plan(s) accompanying such application.

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

- 1) In the Review of the County Development Plan the application site is within a proposed extension of the Metropolitan Green Belt, in which it is the policy of the Local Planning Authority to permit only such development as is required for agricultural or other essential local purposes. The proposed development would be contrary to this policy and would constitute building development and a use of land in the proposed Green Belt for which there is no justification.
- 2) The use of the site for the parking of lorries would be likely to be detrimental to the visual amenities of the locality and in particular to the appearance of this interchange junction between the Motorway M.1 and the Trunk Road A.5.

Dated 6th day of April 1965


 Clerk / ~~Secretary~~ 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: Locaplan, Parl, London

Telephone: TRAFalgar 8020



W/3040

- 7 APR 1966

Please address any reply to

THE SECRETARY

and quote: APP/2142/A/39040

Your reference: REY/PMH

Gentlemen,

Town and Country Planning Act 1962 - Section 23
Appeal by Mr. T. E. O'Donnell

1. I am directed by the Minister of Housing and Local Government to say that consideration has been given to the report of his Inspector, Mr. H. M. A. Skedham, A.R.I.C.S., A.M.T.P.I., on the local inquiry into your client's appeal against the decision of the Hemel Hempstead Rural District Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for the use of the Whitehill Wood Café, London Road, Flamstead, as a transport depot including the erection of a warehouse and an extension to the existing building to provide a dwelling for the Manager. (Application no. W/3040/64.) At the inquiry the Minister was asked to amend the application to include the use of a part of the warehouse for running repairs and the maintenance of vehicles. The appeal has been dealt with on that basis.

2. The Inspector, a copy of whose report is enclosed, found, among other things, that there were established rights to use part of the existing bungalow on the appeal site as a café and the front part of the site for parking, with access from road A.5. The proposed use would involve little traffic in and out of the site and no objection was raised by the Minister of Transport. He considered that it would be unreasonable to object to the use of this site as a transport depot because of its existing use rights, partial screening by the motorway embankment, contours and existing development and the contribution albeit small which the depot would make towards reducing traffic congestion and danger and improving the welfare of drivers. Nevertheless he considered that a warehouse of the size proposed would be an unfortunate intrusion into this mainly rural area and, bearing in mind possible changes in ownership, its approval could establish an unfortunate precedent which would prejudice green belt policy. He therefore considered that the proposals as submitted should not be approved. He recommended that the appeal be dismissed.

3. The Minister agrees with the Inspector's conclusions and accepts his recommendation; accordingly he hereby dismisses your client's appeal but without prejudice to the submission to and consideration by the local planning authority of a fresh application specifying a change of use from bungalow and café to transport depot and other development as now proposed but excluding the warehouse, any such development to take account of the proposed road improvement line.

I am, Gentlemen,
Your obedient Servant,

Messrs. Norman E. Kelly and Son
3 St. Albans Road
WATFORD
Herts.

H. C. HOLLINGTON

(H. C. HOLLINGTON)

Authorised by the Minister
to sign in that behalf.