

H.C.C. Code No.	U/6101/69
L.A. Ref. No.	182/69

### ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the BOROUGH OF HEMEL HEMPSTEAD  
 URBAN DISTRICT OF ~~XXXXXXXXXXXX~~  
 RURAL DISTRICT OF ~~XXXXXXXXXXXX~~

## TOWN & COUNTRY PLANNING ACT, 1962

To

**D.H. Loveday, Esq.,** whose agent is:  
**96 Cotterells,** **W.F. Johnson and Associates,**  
**Hemel Hempstead** **39a High Street,**  
**Hemel Hempstead.**

at	<b>Workshop and store</b> <b>96 Cotterells,</b>	<b>HEMEL HEMPSTEAD</b>
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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 15/4/69 and received with sufficient particulars on 20/6/69 and shewn on the plan(s) accompanying such application. 182/69

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

1. The proposed development constitutes an intensification of a use that does not conform with the allocation of the site for residential purposes on the draft town map.
2. The proposed development would be a non-conforming use in an otherwise predominantly residential area and would adversely affect the character and amenities of the surrounding area.
3. The proposed development would increase the traffic difficulties which already exist by reason of lorries entering and leaving the narrow access on to the adjacent highway.

Dated 18th day of August 1969

*C. W. [Signature]*  
 Clerk/Surveyor of the Council.

Town: ~~XXXXXXXXXXXX~~  
**PLEASE 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.



Ministry of Housing and Local Government  
Whitehall London SW1

BE  
PLAN 163/69D

Telephone 01-839-8020 ext. 329

Messrs Poulter & Francis  
57 Marlowes  
HEMEL HEMPSTEAD  
Hertfordshire

Please reply to The Secretary  
Your reference  
BF/AH/L/60  
Our reference  
APP/1199/A/42386  
Date 11 Nov 1970

Proposed to	CPA	
Received	12 MAR 1970	
Remarks	<i>Mass chert wheel chert in</i>	
Date with which valid	Date	

*discuss my expansion in business*

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1962 - SECTION 23  
APPEAL BY MR D H LOVEDAY  
(APPLICATION NO 163/69D)

- I am directed by the Minister of Housing and Local Government to refer to your client's appeal against the decision of the Hemel Hempstead Borough Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for the provision of a hardstanding for the parking of haulage vehicles on land at the rear of 96 Cotterells, Hemel Hempstead.
- The written representations made in support of the appeal and those of the Council have been considered. An officer of the Department has visited the site.
- The appeal site is an area of land about 8 ft below the level of the surrounding ground at the rear of residential properties fronting the west side of Cotterells about 200 yds west of Hemel Hempstead town centre. Access to the site is via a 14 ft wide metalled drive along the southern side of No 96 Cotterells and through a partly covered yard at present used for garaging and servicing haulage vehicles. Visibility at the access along Cotterells is about 350 ft to the south and 600 ft to the north. Cotterell runs in a northerly direction parallel with the B486 Leighton Buzzard by-pass road. To the south and west of the site are school playing fields.
- The Council say that the proposed development would consolidate and intensify an existing non-conforming use in a residential area and, although it would provide off-street parking for vehicles at present being parked on the road, it is likely that the proposal would encourage undesirable expansion of the business. They take the view that a lorry depot should not be permanently established at the site because it causes loss of visual amenity and annoyance to neighbours: in any case areas have been allocated for industry and service industry in Hemel Hempstead. Also it is argued that the traffic hazard caused by lorries reversing out of the access to the site would be increased because of the additional vehicles being accommodated on the premises.
- In support of the appeal you say that the haulage business has been conducted from the premises for nearly 20 years and no expansion of the business is contemplated. You argue that the appeal site will not only provide parking facilities for 7 vehicles at present being parked in the road, but will also provide a turning space so that vehicles may enter and leave the site in forward gear: these factors will reduce any existing road hazard. Moreover the new by-pass now caters for most of the through

traffic so that the volume of traffic using Cotterells has been substantially reduced. The site does not adjoin any residential property and the proposed use would not therefore in your view have an adverse effect on the character or visual amenities of the area.

6. The Minister appreciates the council's concern to protect amenity in the resident area in which your client's premises are situated and he accepts that the appeal proposal could lead to some small increase in business activity. Nevertheless the removal of unsightly vehicles from a conspicuous road, especially as engine noise would be baffled on the low lying parking area, would improve residential amenity. Moreover additional on-site parking space would provide more room for manoeuvre and possibly enable vehicles to enter and leave in forward gear; this would reduce potential traffic hazards. Accordingly the Minister has reached the conclusion that the balance of advantage lies in permitting the appeal proposal: in the absence of evidence that the proposal in itself, involving only minor works, would prejudice any redevelopment scheme the Minister does not consider that a limitation on the duration of the permission would be justified on planning grounds.

7. The Minister therefore allows your client's appeal and he hereby grants planning permission for the construction of a hardstanding and ancillary works for the parking of haulage vehicles on land at the rear of No 96 Cotterells, Hemel Hempstead in accordance with the details contained in the application (No 163/69D) dated 2 April 1969 subject to the condition that the use hereby permitted shall be begun not later than 31 March 1975.

8. 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 Gentlemen  
Your obedient Servant

MISS E M BARBER  
Authorised by the Minister  
to sign in that behalf