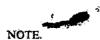
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PLEASE SEE

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- 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 SWI

Messrs Poulter & Francis:

HEMEL HEMPSTEAD

PLAN 163 /69D

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ext.

1-2 MAR 1970

Telephone

Gentlemen

57 Marlowes

Hertfordshire

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. Cotterel 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 offstreet 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 traff 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.
- 5. 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, by elaw, order or regulation other than section 13 of the Town and County Planning Act 1962.

I am Gentlemen Your obedient Servant

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