Welwyn Hatfield District Council

Council Offices Welwyn Garden City Herts AL8 6AE
Telephone Welwyn Garden 331212 (STD Code 0707)

DECISION NOTICE

Town Planning Ref. No: C6/0561/86/PP
Other Ref. No.:

REFUSAL

TOWN AND COUNTRY PLANNING ACTS, 1971 and 1972

Removal of Condition 2 on Planning Application No. C6/0567/83 relating to occupancy of offices
67 Lemsford Lane, Welwyn Garden City, Herts

ALLOWED ON APPEAL 16-06-87

To:
Moult Benn & Co
Fourways
Town Centre
Hatfield
Herts
AL10 0LE

For:
Graham & Comrie Ltd
67 Lemsford Lane
Welwyn Garden City
Herts

In pursuance of their powers under the above mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby REFUSE the development proposed by you in your application dated 24/07/86 and received with sufficient particulars on 28/07/86 and shown on the plan(s) accompanying such application.

The reason for the Council's decision to refuse permission for the development are:-

The removal of this condition will result in the intensification of the existing non-conforming uses on the site because it will represent the introduction of separate and individual uses rather than areas ancillary to the existing uses.

Date : 28th August, 1986

Signed: .....
A.F. Moore, Chief Planning Officer

PLEASE SEE NOTES OVERLEAF

of the Environment and
t of Transport
ces
ollgate House Houlton Street Bristol BS2 9DJ
Direct line 0272-218 927
Switchboard 0272-218811
GTN 2074

DCA

W.H.D.C.
PLANNING
DEPARTMENT
REC'D
17 JUN 1987
FILE No.....

Moult Benn &
Development C
Fourways
Town Centre
HATFIELD
Herts AL10 OLE

Your reference
MRD/GLC
Our reference
T/APP/C1950/A/87/62327/P2
Date
16 JUN 87

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY GRAHAM & COMRIE LIMITED
APPLICATION NO: C6/0561/86/FP

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Welwyn Hatfield District Council to grant planning permission subject to conditions for the change of use from residential to offices of the upper floor of No 67 Lemsford Lane, Welwyn Garden City.

2. I have considered the written representations made by you and by the council. I inspected the site on 5 May 1987.

3. The condition in dispute is:

"2. The office space hereby approved shall only be used in conjunction with the existing uses carried out in the remainder of the premises."

4. I find that my decision turns on whether the condition, subject of appeal, is necessary to achieve any proper planning objective.

5. The premises, of which the appeal site forms part, consist of a 2-storey building behind a petrol service forecourt and an area for the display of cars for sale. At the rear there are buildings housing car repair and testing, car body building and plumbing, heating and building concerns. The appeal site is the upper floor of the 2-storey building, an area of some 77 sq m; the ground floor is in commercial use connected with car sales and spares.

6. I recognise the council's desire to limit the number of what they consider to be non-conforming uses but their consent established the principle of an office use in these premises. I note that although located in a residential area, the appeal premises adjoin a garage court, the grounds of a college and open land in addition to the short terrace of dwellings on the north-west side. I therefore regard the site as being on the edge of the residential area rather than in the centre of it as stated by the council. The existing uses are not entirely motor trade related and it seems to me that an independent office use of the scale at issue in this appeal will not generate such activity as to add significantly to that caused by the existing uses. An office floor area of 77 sq m is, in my opinion, likely to attract only local interest and the removal of the condition will not pose a threat to the office development policies being pursued by the council.

7. I have taken into account all other matters raised in t out none outweigh my conclusion that this planning condition serves no ing purpose.

8. For the above reasons, and in the exercise of powers tran co me, I hereby allow this appeal and discharge Condition No 2 imposed planning consent for the change of use from residential to offices datec ovember 1965.

9. This letter does not convey any approval or consent which be required under any enactment, byelaw, order or regulation other than Sec n 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

E Green

E GREEN
Inspector