



Appeal Decision

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

Appeal Ref: APP/A1910/C/23/3332255

Land adjacent Row Beech Cottages, Watling Street, Kensworth LU6 3QT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Adam Wells & Co Ltd against an enforcement notice issued by Dacorum Borough Council.
 - The notice was issued on 21 September 2023.
 - The breach of planning control alleged in the notice can be described as without planning permission, the material change of use of the land for the display and sale of vehicles and the siting of a shipping container for use as an office and operational development facilitating the change of use being the installation of gates, fencing and the laying of hardstanding.
 - The requirements of the notice are:
 - Step 1 – Cease the use of the land for the display and sale of vehicles.
 - Step 2 – Remove all vehicles from the land in their entirety.
 - Step 3 – Remove all signage and advertising materials associated with the display and sale of the vehicles from the land in their entirety.
 - Step 4 – Remove the container and any fixings from the land.
 - Step 5 – Remove the fencing to the front of the premises, adjacent to Watling Street, including all fence panels, posts and any fixings.
 - Step 6 – Remove all the hard standing from the land in its entirety.
 - Step 7 – Remove the gates, gate posts and all fixings from the land.
 - Step 8 – Remove all material and debris from the land associated with steps 2 – 7 above
 - Step 9 – Restore the land to its original condition.
 - The periods for compliance with the requirements are:
 - Step 1 – Two months.
 - Step 2 – Three months.
 - Steps 3-8 Six months.
 - Step 9 – Ten months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary matter

2. An appeal against the refusal of planning permission for the development was turned away by the Planning Inspectorate. Nevertheless, I have the appellant's appeal statement for that appeal before me and have had regard to it, insofar as it is relevant.

Ground (f)

3. The purpose of the enforcement notice ("the Notice") is to remedy the breach of planning control. Therefore, insofar as it relates to this appeal, ground (f) is that the steps required to be taken, or the activities required to cease, exceed what is necessary to remedy the breach of planning control. Whether lesser steps might remedy any injury to amenity is not relevant and, in the absence of an appeal on

ground (a), I am unable to consider whether it would be more appropriate to regularise the development through the grant of planning permission.

4. The ground (f) case relates to Step 5 (fencing adjacent to Watling Street) and Step 7 (gates). Photographs show that the front of the site was previously enclosed by the wall that remains at the site and railings above, with a 5 bar gate at the entrance. The railings have been replaced by timber fence panels, and the gate with a more solid one.
5. There is no suggestion that the timber fencing was not installed in association with the material change of use, or that it does not need planning permission. It is materially different to what was there before. The wall, common to both scenarios, is not targeted by the Notice.
6. Therefore, I find that the steps required to be taken do not exceed what is necessary to remedy the breach of planning control. Accordingly, the appeal on ground (f) fails.

Ground (g)

7. Ground (g) is that the period specified to comply with the Notice falls short of what should reasonably be allowed. I note that the appellant seeks a roadside location for the display and sale of motor vehicles due to a reliance on passing trade. However, while the Council has not suggested any alternatives, and there may be no sites designated for such a use adjacent to highways, the appellant's assertion that there are no appropriate readily available premises to which the business could be relocated is unsupported by substantive evidence.
8. There is no robust reason presented to me that the time to comply with the notice is not reasonable on this or any other basis. Therefore, the ground (g) appeal fails.

Conclusion

9. The appeal should be dismissed.

M Bale

INSPECTOR