



Appeal Decision

Site visit made on 26 February 2026

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 April 2026

Appeal Ref: APP/A1910/C/25/3361818

Land at rear of 22 Brook Street, Tring

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Joe Burns against an enforcement notice issued by Dacorum Borough Council.
- The notice was issued on 24 January 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission, the material change of use of part of the land for the parking of vehicles and the laying of the hardstanding to facilitate this use" (the material change of use).
- The requirements of the notice are:
 1. Cease the use of the land for the parking of vehicles within the area marked on the map by the blue hatchings.
 2. Remove the hardstanding/tarmac surface in its entirety from within the area marked on the map by the blue hatchings.
 3. Restore the land to its original condition.
 4. Remove all materials arising from step 2 and 3 above from the site.
- The periods for compliance with the requirements are Step 1- 1 month, Step 2 – 2 months, Step 3 and 4 – 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is allowed, the Enforcement Notice (EN) is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of part of the land for the parking of vehicles and the laying of the hardstanding to facilitate this use at Land at rear of 22 Brook Street, Tring.

Preliminary Matter

2. The appellant asserts that the hardstanding was applied to the appeal site when under the ownership of No 22 Brook Street using permitted development rights. However, evidence was not provided to support this claim. The EN refers to the hardstanding as facilitating the material change of use and the appeal will be determined on this basis.

Appeal on Ground (a) and the Deemed Planning Permission

3. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are:
 - the effect of the development on the character and appearance of the area;

- the effect of the development on the significance of The Silk Mill, a Grade II listed building;
- the effect of the development on the living conditions of the occupiers of 21 and 22 Brook Street in respect of outlook, noise and disturbance;
- whether the development increases flood risk on site and for surrounding properties; and;
- the effect of the development on biodiversity and wildlife.

Reasons

Character and Appearance

4. The appeal site is positioned between 22 Brook Street, a two-storey brick dwelling, and the Silk Mill Business Park, which is characterised by grey-clad commercial buildings and associated parking areas. It comprises eight parking spaces and lies opposite a hard-surfaced parking area that serves four residential dwellings located on the other side of the access lane. The area surrounding the appeal site is primarily characterised by extensive areas of hardstanding and vehicle parking, with residential and commercial buildings in close proximity.
5. The Council identifies that the wider site, including the land to the rear of 23–26, primarily consists of car parking and is now dominated by tarmac. Whilst this would not have been the case historically, it is now an established and functional part of the area's layout. In this context, it is my view that the development is in keeping with the prevailing character and appearance of the area.
6. It is suggested that landscaping within the appeal site is required to comply with Policy CS13 of the Dacorum Core Strategy¹ (Core Strategy) and would be important in breaking up and reducing the extent of hardstanding. However, the area of hardstanding is modest, and opportunities for meaningful soft landscaping are limited. While no landscaping is proposed, given the constrained nature of the site and the predominantly hard-surfaced context of the surrounding area, the absence of landscaping would not negatively alter the site's character or result in any discernible harm to the visual appearance of the locality. Furthermore, Policy CS13, 'Quality of the Public Realm', is concerned with the public realm. In this case, the appeal site is accessed via a controlled and gated entrance and does not function as public realm. In these circumstances, I find that the proposal would not conflict with Policy CS13 of the Core Strategy.
7. The Council assert that the development would be contrary to Policies CS10 and CS12 of the Core Strategy. However, the claim that Policy CS10 seeks to avoid large areas dominated by car parking is not reflective of the wording of the policy, which makes no reference to car parking. Furthermore, the assertion that the scale of the development would not comply with Policy CS12 has not been sufficiently demonstrated as the development does not introduce built form, nor does it intensify activity beyond that already characteristic of the surrounding context.
8. Reference has been made to the development being visible from a public vantage point, namely the public footpath that runs parallel with Kingsley Walk. However, the tall stone boundary wall that runs the full length of the appeal site substantially

¹ Adopted in September 2013

restricts visibility, allowing only fleeting glimpses above the wall. As a result, there is no meaningful or appreciable view of the development from the public realm, and therefore no perceptible change in its outward appearance or character.

9. For the above reasons, the development complies with Policies CS10 and CS12 of the Core Strategy, which, amongst other objectives, seek to ensure that development preserves the landscape character surrounding settlements and respects adjoining properties in terms of layout and materials.

Effect on the setting of the Grade II listed Silk Mill

10. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
11. The Silk Mill, a former silk textile mill complex dating from the 19th century, is a Grade II listed building. Its significance is derived from its age, its historical function as part of the local silk-producing industry, and its architectural features. The building now forms part of the wider Silk Mill Business Park, which includes several grey-clad commercial units and associated parking areas within its setting.
12. The appeal site is separated from the Grade II listed Silk Mill by multiple single-storey buildings that form part of the Business Park. These intervening buildings, together with the distance between the listed building and the appeal site, result in a clear physical and visual separation between the two. The listed building's significance is derived primarily from its historic function and its surviving architectural form, rather than any association with the appeal site. Given that the development is modest in scale and does not introduce built form, additional height, or features that could intrude into the Silk Mill's wider setting or disrupt the way in which the listed building is experienced, the development does not adversely affect the significance of the heritage asset. In this context, the setting of the listed building is preserved.
13. For the reasons above, the development does not negatively affect the significance of the Silk Mill. It therefore complies with Policy CS27 of the Core Strategy, which seeks to protect the integrity, setting, and distinctiveness of designated heritage assets. It would also meet the statutory duty under Section 66(1) of the LBCA.

Living Conditions

14. The appeal site is situated to the rear of the garden at 22 Brook Street, with part of its eastern boundary adjoining the rear portion of the garden at 21 Brook Street. These residential gardens are separated from the site by close-boarded fencing. Access to the appeal site is gained via a gated entrance that also serves the parking bays for Nos. 23–26 Brook Street and the commercial units within this section of the Business Park. This access route runs parallel to the side boundary fence serving 22 Brook Street.

Outlook

15. The Council asserts that the development results in a bleak and less attractive outlook when compared to the former use of the appeal site. However, both 21 and 22 Brook Street retain rear gardens, and it is these areas that the rear-facing

windows principally overlook. The appeal site lies beyond these garden areas and is visually separated from them by close-boarded fencing, ensuring that the primary outlook from the dwellings remains towards their own private garden spaces rather than the appeal site.

16. Views of the appeal site would be limited to those obtainable from the first-floor rear windows of 21 and 22 Brook Street. However, the first-floor outlook of these properties already encompasses a wider setting that is characterised by commercial buildings and areas of hardstanding associated with Silk Mill Business Park. In this context, views of the appeal site would be seen against a backdrop that is already dominated by parking areas and tarmac surfaces, as acknowledged by the Council. Given this established character, the development does not unacceptably alter the outlook from 21 and 22 Brook Street.

Noise and Disturbance

17. The Council has confirmed that complaints have been received in relation to noise arising from vehicle movements, although the precise details of those complaints are not before me. Notwithstanding this, the access already serves the parking area associated with Nos. 23–26 Brook Street and, at the time of my visit, was also in use by vehicles serving the commercial units within this part of Silk Mill Business Park, as demonstrated by vehicles parked outside those units. It is therefore evident that the access is subject to vehicles passing along it and the area it serves is subject to regular manoeuvring associated with parking activity, including vehicles entering and leaving spaces and the incidental noise arising from such use.
18. Against this background, and notwithstanding the close proximity of the appeal site to the rear gardens of Nos. 21 and 22 Brook Street, the presence of the controlled gated access limits the potential for any increase in vehicle movements or associated parking activity. Any additional noise, including that arising from manoeuvring or car doors opening and closing, would be comparable in nature and level to that already experienced. In these circumstances, I conclude that the development does not result in undue harm to the living conditions of neighbouring occupiers.
19. Whilst the specific users of the parking area have not been identified, the controlled and gated nature of the access, together with the fact that the parking bays are numbered and correspond with adjoining properties within the wider site, strongly indicates that these spaces are used for residential parking associated with those properties. Moreover, during my visit, I observed that most of the parking bays were unoccupied, which is consistent with typical residential parking patterns during daytime hours. This further supports the conclusion that the use of the parking area is not of an intensity or character that would give rise to undue disturbance.
20. For the above reasons, the development does not have an unacceptable effect on the living conditions of the occupiers of 21 and 22 Brook Street in respect of outlook, noise and disturbance. It is therefore compliant with Policy CS12 of the Core Strategy insofar as it requires development to avoid disturbance to surrounding properties.

Flood Risk

21. The Council advises that the appeal site lies within Flood Zone 1, while the site access falls within Flood Zones 2 and 3. This indicates that the hardstanding identified in the EN (hatched in blue) is located entirely within Flood Zone 1.
22. Policy CS29 of the Core Strategy, which addresses Sustainable Design and Construction, requires development to provide adequate surface-water drainage and encourages the minimisation of impermeable surfaces within the curtilage of buildings. Against this policy, it is therefore necessary to consider whether the appeal site benefits from adequate surface-water drainage and whether the impermeable surfacing falls within the curtilage of any building to which this element of the policy would apply.
23. During my visit, I observed a linear surface-water drainage channel running along the edge of the hardstanding area identified on the plan attached to the EN. This system appears to be designed to intercept and collect runoff from the hardstanding covering the parking area and convey it to an appropriate outfall. While the Council indicates that complaints have been received regarding flooding within the site, no substantive evidence has been provided to support these claims. Although the hardstanding is impermeable, it has not been sufficiently demonstrated that the site has inadequate surface water drainage.
24. With reference to the requirement to minimise impermeable surfacing within the curtilage of any building, it has not been demonstrated that the development lies within the curtilage of a building. In the absence of clear evidence establishing such a relationship, there is no substantive basis for applying this requirement to the appeal site.
25. Reference has been made to an alleged failure to discharge condition 8 of planning application 21/00359/ROC, which granted planning permission for four dwellings (23-26 Brook Street). Condition 8 required the approved surface-water drainage works to be implemented in accordance with details previously approved by the Council. Whilst it appears that this matter remains outstanding, it appears to relate specifically to the four houses that were built under that permission. It has not been demonstrated that it refers to the area of hardstanding referred to in the EN, and whilst the concern regarding increased impermeable surfacing is understood, a drainage channel running along the edge of the hardstanding area has been installed.
26. For the reasons above, based on the evidence before me it has not been sufficiently demonstrated that the development increases flood risk on site and to surrounding properties. Accordingly, it complies with Policies CS29 and CS31 of the Core Strategy insofar as they require development to provide adequate surface-water drainage and minimise water runoff.

Biodiversity and Wildlife

27. Policy CS29 of the Core Strategy states that new development should achieve the highest practicable standards of sustainable design and construction. The policy sets out a number of principles that development should normally satisfy, one of which is to minimise impacts on biodiversity and to incorporate positive measures to support wildlife.

28. Given that the appeal site adjoins areas of existing hardstanding and lies in close proximity to Silk Mill Business Park, it is situated within a developed and commercial context. In this context, despite loss of residential garden area, there is insufficient evidence to suggest that the development has resulted in harm to biodiversity, or that it has undermined opportunities to support wildlife.
29. Moreover, the principles identified in Policy CS29 are not mandatory requirements. Given the context of the appeal site, its modest size, and its location within an established developed and commercial environment, it would be unreasonable to conclude that the development conflicts with the policy's objectives.
30. For the above reasons, the development has an acceptable effect on biodiversity and wildlife. It therefore accords with Policy CS29 of the Core Strategy.

Other Matters

31. The Council's appeal statement refers to Core Strategy Policy CS11. However, this policy is not cited within the EN and relates to neighbourhood design quality. Given that the surrounding context of the appeal site is characterised by extensive hardstanding and parking areas, with residential and commercial buildings in close proximity, the Council has not demonstrated how this policy is relevant to the development, nor how any alleged conflict with its provisions has arisen.

Conditions

32. I have considered the suggested conditions in light of the National Planning Policy Framework and the Planning Practice Guidance. I do not consider the suggested conditions proposed are necessary to make the development acceptable in planning terms.
33. A condition was suggested to prevent commercial or business use of the site. However, the allegation details the scope of the deemed application which refers to parking. Given that planning permission would be required for an alternative use, it would not be necessary to impose such a condition.
34. Conditions have been suggested requiring details of a surface-water drainage scheme and landscaping to be submitted to and approved by the local planning authority. However, given the established character of the area surrounding the appeal site, and the fact that surface-water drainage is already provided in the form of a linear drainage channel, I consider that neither of these conditions are necessary.

Conclusion

35. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the material change of use of part of the land for the parking of vehicles and the laying of the hardstanding to facilitate this use as described in the notice. The EN will be quashed.

V Goldberg

INSPECTOR