



## Appeal Decisions

Site visit made on 5 August 2025

**by Paul Dignan MSc PhD**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

### **Appeal A Ref: APP/N0410/C/23/3328425**

#### **Snitterfield Farm, Grays Park Road, Stoke Poges, SLOUGH, SL2 4HX**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Jagdeep Bhullar against an enforcement notice issued by Buckinghamshire Council - South Area (South Bucks).
- The notice was issued on 19 July 2023.
- The breach of planning control as alleged in the notice is the erection of a detached outbuilding.
- The requirements of the notice are: (i) Demolish and remove from the Land the detached outbuilding as shown in the approximate position hatched black on the attached plan and as shown by the attached photograph labelled A; and (ii) Remove from the Land all materials, debris, plant and equipment associated with step (i) above.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) 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.

### **Appeal B Ref: APP/N0410/X/24/3345279**

#### **Snitterfield Farm, Grays Park Road, Stoke Poges, Buckinghamshire, SL2 4HX**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Jagdeep Bhullar against the decision of Buckinghamshire Council - South Area (South Bucks).
- The application ref PL/23/3646/SA, dated 13 November 2023, was refused by notice dated 10 May 2024.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
- The development for which a certificate of lawful use or development is sought is Erection of an outbuilding.

## **Decisions**

### Appeal A

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Appeal B

2. The appeal is dismissed.

## **Preliminary matters**

3. Both appeals concern land at Snitterfield Farm, specifically land at or near The Stables, a single storey building for which an LDC<sup>1</sup> was granted in 2013 for use of the

<sup>1</sup> Council ref. 13/00296/CLUED

building as a self-contained dwelling. The enforcement notice concerns a garage building erected on adjoining paddock land and which is claimed to be for purposes incidental to the use of The Stables as a dwelling. The LDC appeal, Appeal B, seeks to establish that much the same building could be erected as permitted development, the relevant category being Part 1 Class E of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GDPO). I deal with Appeal B, the LDC appeal, first since the outcome is a material consideration in Appeal A, the enforcement notice appeal.

### **Appeal B - certificate of lawful use or development (LDC)**

4. GDPO Part 1 of Schedule 2 concerns development within the curtilage of a dwellinghouse. Outbuildings fall under Schedule 2, Part 1, Class E. This permits, within the 'curtilage of a dwelling house', any building which is required for a purpose incidental to the enjoyment of the dwelling house as such. Development under this class is subject to conditions and limitations. None of these appear to be contravened by the proposed outbuilding. At issue is whether the proposed siting would be within the curtilage of The Stables, and whether The Stables is being used as a dwellinghouse, as claimed by the appellant, or whether it is in a mixed use, as claimed by the Council. If it is in a mixed use then it does not benefit from Schedule 2 Part 1 permitted development rights.
5. The LDC certifying the use of the building as a dwellinghouse shows the land the subject of the notice as the building itself, notwithstanding that the application plan covered a wider area. However, the LDC did not, and could not, confirm that the wider area comprising the application site lay within the curtilage of the building. That is a matter of fact and degree, having regard to matters such as physical layout past and present: ownership past and present and use and function, past and present. Any building can have a curtilage. The concept of 'curtilage' is different to 'land use' and 'residential curtilage' is not a defined use of land. To fall within the curtilage of a building, that land must serve the purpose of the building in some necessary or useful manner, even though it need not be marked off or enclosed in any way.
6. The proposed outbuilding would be sited alongside and relatively close to The Stables, within an area of hardstanding around the building which appears to be longstanding. The appellant has not addressed the matter of ownership, of either the building known as The Stables or the land around it, but the Council's statement that Snitterfield Farm, 60-70m north of The Stables but sharing a driveway, and The Stables are both in the appellant's ownership. I will proceed on the basis that The Stables and the land upon which the outbuilding is proposed are in the same ownership and have been for a reasonable period, at least since the 2013 LDC was granted.
7. As noted above, the outbuilding would be sited on an area of hardstanding that surrounds The Stables. Also on the hardstanding and to the rear of The Stables is what appears to be a wooden building with a chalet-like appearance type. No reference to this building is made in any of the appeal documents. Alongside, and partly on, the hardstanding is also a mobile home. The purpose for which the mobile home is sited there has not been explained. I have approached the question of whether the proposed outbuilding would be within the curtilage of The Stables on the basis that the timber building is an ancillary building of some sort and not a separate dwelling, and that the mobile home is sited there for purposes ancillary to the use of The Stables. With that caveat, I consider that the area of hardstanding upon which

the outbuilding would be sited is land that serves the purpose of The Stables in a necessary and useful manner, such that it is part and parcel of the building and integral to it. For these reasons I am satisfied that the proposed building would be within the curtilage of The Stables.

8. Turning to the use of The Stables, the Council's Officer's Report described a site visit in January 2024 as follows: "During and following this visit to site it became apparent that the property known as 'The Stables' also accommodates an additional use as an Acupuncture clinic known as 'The Chestnut Clinic'. It was noted that when entering the front door a mixture of different products were on display and when viewed online it was found that the clinic offers various courses, therapies and consultations located at the same address. Continuously, it is noted that a sign at the entrance to the site reads "The Stables, Sittenfeld Farm (sic), Chestnut Clinic And School"." On the basis of this evidence it concluded that the building was in fact in a mixed use as a dwellinghouse and as an acupuncture clinic.
9. The appellant points out that it is not unusual for small business operations to run from home, and maintains that this is accepted as not representing a material change of use. They argue that the character of the use of The Stables has not changed. It is still used as a dwellinghouse, it still presents as a dwellinghouse, and it still functions as a dwellinghouse. They submit that while it may well have visitors associated with acupuncture from time to time, it is still first and foremost a residential dwelling. They state also that the acupuncture clinic is owned and operated by the owners / occupiers of the site.
10. Whether operating a business from home is a material change of use or not depends on its effect on the character of the use of the property. Upon entering the property on my site visit my initial impression was not one of a dwellinghouse. The front door leads into a lobby/waiting room with a desk facing, behind which was an array of what appeared to me to be therapeutic products. Toilets were indicated by signage, and it was apparent that signage had recently been removed from three of the rooms leading from the lobby. The two I was able to enter were both clearly treatment rooms containing treatment tables, and I was advised by the Council that the other room was also a treatment room. The rest of the building had a utility room, containing a number of washing/drying machines, well in excess of what I would expect in a dwellinghouse of this size, a kitchen, an office and only one bedroom. If anything, it appeared to me that the dominant use of the building was as a clinic. Further, while I have had no evidence of the customer base of the clinic, a clinic utilising 3 treatment rooms is likely to generate a not inconsequential number of visits in what is not a particularly sustainable location.
11. An acupuncture clinic is not an ordinarily incidental use of a dwellinghouse so as to be part of one primary use of the property as a dwellinghouse nor is it, in my view, so minimal so as not to have resulted in any material change in the definable character of the use of the land, quite the opposite in fact. I agree with the Council that the building is in a mixed use, one that is materially different in planning terms to use as a dwellinghouse. That no enforcement action has yet been taken by the Council is not relevant to the question of what use the building is actually in, though as it stands the resumption of the use of the building as a dwellinghouse would likely be a material change of use requiring planning permission. The expediency of taking enforcement action is a matter for the Council.

12. In summary, my conclusion that the proposed building would be within the curtilage of The Stables is caveated by my lack of knowledge about how the other building and the mobile home on the site are being used, but in any case, since I have concluded that The Stables is in a mixed use it cannot benefit from Schedule 2 Part 1 permitted development rights, so the appeal must be dismissed. The Council's refusal to grant a certificate of lawful use or development in respect of the erection of an outbuilding was well-founded, and I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

### **Appeal A – ground (a) and the deemed planning application**

13. The outbuilding the subject of the enforcement notice has been erected on what appears to me to have been former paddock land between The Stables and the dwelling at Snitterfield Farm. The paddock land has a domestic appearance, though domestic paraphernalia evident on it, including mobile football goalposts and a trampoline, is sited close to Snitterfield Farm, suggesting that any domestic use of it is most likely to be linked to the dwelling at Snitterfield Farm. Aside from the building the subject of the notice, nothing about the paddock land suggests an association with The Stables. The building is in use primarily as a garage for 4 cars, and a photograph submitted by the appellant shows a strip of hardstanding leading into the building from the hardstanding surrounding The Stables. Hardstanding has subsequently been laid around one side of the building, linking it to the pre-existing hardstanding around The Stables, but this appears unfinished and is clearly of recent provenance.
14. The building is claimed to be within the curtilage of The Stables, but nothing of substance has been provided that would support this contention. Had it been within the curtilage of The Stables then a case would undoubtedly have been made, under section 174(2)(c), that it was GDPO permitted development, as in Appeal B. In any case, it appears to me that the curtilage of The Stables would not have extended beyond the pre-existing hardstanding around it, all of which falls within the application site for the 2013 LDC, and which evidently had not expanded prior to the erection of the garage building. The new building is outside of that application site. Furthermore, there is no substantial evidence, assertion aside, that the paddock land upon which the garage building has been built has ever been part and parcel of the use of The Stables as a dwellinghouse, or indeed any other use that The Stables has been put to.
15. The land is in the Green Belt, where local and national planning policy is that inappropriate development is harmful by definition and should not be approved except in very special circumstances (VSC). Substantial weight must be given to any harm to the Green Belt, including harm to its openness.
16. The National Planning Policy Framework (NPPF) sets out categories of development which are not inappropriate in the Green Belt. These include, at NPPF paragraph 154(c), the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. Although not attached to the Stables, it is claimed that the building should be considered as an extension to The Stables. Case law has established that NPPF 154(c) is not to be interpreted as being confined to physically attached structures but that an extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension.

17. However, in this case I consider that the building is not an extension of The Stables. It is on formerly open land that is outside of the curtilage of The Stables, and there is no evidence that it has ever been a part of, or associated with, The Stables. Visually it appears quite separate from The Stables, despite the recent extension of hardstanding to join it. Even had I been able to view it as an extension to The Stables however, I consider that it would, at approximately 75-80% of its footprint, be a disproportionate extension. None of the other exceptions to inappropriate development apply, hence it must comprise inappropriate development in the Green Belt. As such it diminishes the openness of the Green Belt, both spatially and visually.
18. The purpose of the building is disputed. Notwithstanding that access to the building is from the hardstanding associated with The Stables, the Council assert that it is being used for the garaging of cars which they say are the appellant's property, which appeared to me to be the case. The Council's understanding is that that he lives at Snitterfield Farm. However, without identifying anyone, the appellant's final comments claim that the building is being used by the occupant of The Stables. This is not a matter that I need to resolve for the purpose of the deemed planning application since the association with the use of The Stables could be required by condition.
19. The possibility of erecting the Appeal B building, or a larger one as permitted development that would have a greater effect on Green Belt openness, was put forward as capable of comprising the very special circumstances necessary to justify the development, but it will be clear from my conclusion on Appeal B that no such fall-back exists. There are no other considerations advanced that would be capable of clearly outweighing the substantial weight that must be accorded to inappropriate development, and the further substantial weight that I accord to the loss of openness. The development is thus contrary to national policy. It is of course also contrary to the relevant development plan Green Belt policies, GB1 and GB10 of the South Bucks District Local Plan 1999. Reflecting national Green Belt policy at the time, these are now somewhat dated and not entirely consistent with the NPPF. They provide no support for the development in any case, but applying current national planning policy it is clear that the development comprising inappropriate development in the Green Belt should not be approved. The appeal on ground (a) is dismissed accordingly and planning permission is refused on the deemed planning application.

## **Ground G**

20. It is argued on this ground that 3 months is not sufficient time to comply with the notice. This is because it may prove difficult to find contractors to do the work given the high demand for builders. However, what needs to be done is relatively straightforward and the 3 month period allowed is more than reasonable in my view. If genuine difficulty is encountered, it is open to the Council to extend the period for compliance in any case.

*Paul Dignan*

INSPECTOR