



Appeal Decisions

Site visit made on 12 August 2025

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal A: Ref APP/J0405/C/25/3363302

Land at Plot 1, Slapton Lock, Horton Road, Slapton, Buckinghamshire, shown edged by a thick black line on the plan attached to the notice

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Alan Dugard (Interguide Group Limited) against an enforcement notice issued by Buckinghamshire Council.
- The enforcement notice (Notice A) was issued on 18 February 2025.
- The breach of planning control as alleged in the notice is:
Without planning permission, the material change of use of agricultural land to residential use.
- The requirements of the notice are to:
 1. Cease the use of the Land for residential purposes, including the removal of all residential paraphernalia and storage. This includes but is not limited to; barbeques, chimeneas/log burners, composters, swings, trampolines, washing line, pallets, wood piles, rubbish and waste from the Land.
 2. Remove all unauthorised canal side development, including but not limited to; jetty (wooden platform), electricity generator windmill, hardstanding- including gravel areas, fences, sheds, and buildings, from the Land.
 3. Remove all debris resulting from steps 1 and 2 from the land.
 4. Restore the Land to its condition immediately prior to the breach of planning control taking place, which consisted of agricultural land.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) (b) (c) (d) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act). Since the appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

Appeal B: Ref APP/J0405/C/25/3363303

Land at Plot 2, Slapton Lock, Horton Road, Slapton, Buckinghamshire, shown edged by a thick black line on the plan attached to the notice

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Alan Dugard (Interguide Group Limited) against an enforcement notice issued by Buckinghamshire Council.
- The enforcement notice (Notice B) was issued on 18 February 2025.
- The breach of planning control as alleged in the notice is:
Without planning permission, the material change of use of agricultural land to residential use.
- The requirements of the notice are to:
 1. Cease the use of the Land for residential purposes, including the removal of all residential paraphernalia and storage. This includes but is not limited to; tables, chairs, composters, water butts, pallets, rubbish and waste from the Land.
 2. Remove all unauthorised canal side development, including but not limited to; hardstanding – including paths, fences, sheds, and buildings, from the Land.

3. Remove all debris resulting from steps 1 and 2 from the land.
 4. Restore the Land to its condition immediately prior to the breach of planning control taking place, which consisted of agricultural land.
- The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) (b) (c) (d) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act). Since the appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Appeal C: Ref APP/J0405/C/25/3363305

Land at Plot 3, Slapton Lock, Horton Road, Slapton, Buckinghamshire, shown edged by a thick black line on the plan attached to the notice

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Alan Dugard (Interguide Group Limited) against an enforcement notice issued by Buckinghamshire Council.
 - The enforcement notice (Notice C) was issued on 18 February 2025.
 - The breach of planning control as alleged in the notice is:
Without planning permission, the material change of use of agricultural land to residential use.
 - The requirements of the notice are to:
 1. Cease the use of the Land for residential purposes, including the removal of all residential paraphernalia and storage. This includes but is not limited to; wooden benches, barbeques, sunshade/umbrellas, composters, washing lines, pallets, bricks, leisure equipment, polytunnels, plant pots, rubbish and waste from the Land.
 2. Remove all unauthorised canal side development, including but not limited to; hardstanding – including paths, fences, sheds, and buildings, from the Land.
 3. Remove all debris resulting from steps 1 and 2 from the land.
 4. Restore the Land to its condition immediately prior to the breach of planning control taking place, which consisted of agricultural land.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) (b) (c) (d) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act). Since the appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Appeal D: Ref APP/J0405/C/25/3363306

Land at Plot 4, Slapton Lock, Horton Road, Slapton, Buckinghamshire, shown edged by a thick black line on the plan attached to the notice

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Alan Dugard (Interguide Group Limited) against an enforcement notice issued by Buckinghamshire Council.
- The enforcement notice (Notice D) was issued on 18 February 2025.
- The breach of planning control as alleged in the notice is:
Without planning permission, the material change of use of agricultural land to residential use.
- The requirements of the notice are to:
 1. Cease the use of the Land for residential purposes, including the removal of all residential paraphernalia and storage. This includes but is not limited to; wooden benches, barbeques, sunshade/umbrellas, composters, washing lines, pallets, wood piles, rubbish and waste from the Land.
 2. Remove all unauthorised canal side development, including but not limited to; hardstanding – including gravelled areas, fences, sheds, and buildings, from the Land.
 3. Remove all debris resulting from steps 1 and 2 from the land.

4. Restore the Land to its condition immediately prior to the breach of planning control taking place, which consisted of agricultural land.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) (b) (c) (d) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act). Since the appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Decisions

1. Appeals A, B, C and D are allowed and the enforcement notices (A, B, C and D) are quashed.

Costs Applications

2. Applications for costs in all appeals were made by the appellant against Buckinghamshire Council. These applications are the subjects of separate Decisions.

Appeals A, B, C and D; ground (b)

3. For success on this ground, I must be satisfied on the balance of probabilities that matters stated in an enforcement notice said to constitute a breach of planning control have not - in fact - occurred.
4. Each of the 4 notices (A, B, C and D corresponding to Appeals A, B, C and D) allege the same thing in respect to the plot of the land they concern. Namely, that the subject land has changed from an agricultural use to a residential use.
5. The appellant's case in each appeal is essentially that the use of the canal side land constituted by the respective plot was not agricultural before the alleged breach of planning control took place, and that it has not in any event resulted in residential use of those plots. Rather, that their use is as amenity space ancillary to the leisure use of the canal and the associated moorings.
6. As it is well-established in planning law that an enforcement notice alleging a material change of use need not recite the previous use, I shall not waste the reader's time in addressing whether or not land subject to the notices had been in agricultural use. The matter is largely moot because, were I to be satisfied of the appellant's case in that regard, it would be a simple matter for me to correct the notices (without injustice to any party) by deleting reference to the previous use within the allegation. The notices would still be valid.
7. Rather, it is of key importance whether the notices are factually correct as regards the use of land which they target. Namely, whether or not these plots adjacent to the canal are 'residential' in the character of their use.
8. The enforcement plans clearly show that the Council has chosen not include land encompassing the canal bed, above which boats will be moored. Instead the plots are adjacent to the canal and it is the Council's case that the plots themselves are individual planning units, and therefore (by way of the normal legal understanding) physically and functionally unconnected with the boats moored above the canal bed upon land outside of those planning units. Indeed, the Council reinforces this logic in its final comments in saying that it believes the type of mooring is irrelevant and that, even if there are no boats on the canal, the use of the plots is residential.

9. However, there is no living accommodation on any of the plots and there are not all the facilities required for day-to-day private domestic existence. Indeed, nobody as a matter of fact resides on the land which is alleged to be 'residential'. While there are various features and items that suggest use for recreation and leisure (including for gardening, play, outdoor cooking, sitting and resting) I do not find such elements sufficient alone (and in the absence of any actual residence) to create a residential character of use. Instead, the plots are in my view – and as a matter of fact and degree – used as outdoor amenity spaces associated with the use of the moorings.
10. Further, notwithstanding the Council's appeal position that the use of the moored boats is irrelevant, I find that they are leisure and not residential moorings. The evidence I have seen of that is highly persuasive - the moorings are let by licence with a clause preventing them from being used for permanent residential purposes, with records of invoices sent to the permanent addresses of the licence-holders. I also note, as far as it is relevant, that the Council does not appear to have pursued the licence-holders as regards any Council Tax liabilities arising from residential occupation.
11. It is very clear to me that the operation of the licences serves to result in use of the moorings for leisure rather than residential purposes. The clauses require that – (i) the vessel must not be used for any purpose(s) other than for recreational purposes; and (ii) the vessel must not be used for permanent habitation (occupation and use by anyone on more than 21 consecutive days and/or nights, and/or more than 60 days and/or nights in any period of 12 months). The use of the moorings under such terms, with permitted occupation being less than one sixth of the year and with limits on the continuity of occupation within that restraint, cannot reasonably be said to constitute use as a residence. I have seen no evidence that the clauses are not being met by the licence-holders.
12. For these reasons, I am satisfied on the balance of probabilities that the matters in Notices A, B, C and D stated to constitute breaches of planning control on Plots 1, 2, 3, and 4 have not, in fact, occurred.
13. I have discretion under section 176 the Act to correct enforcement notices. Upon consideration, in these circumstances, I will not correct such fundamentally flawed allegations. Were I to do so, the corrected notices would target an alleged use which was not the subject of the Council's enforcement actions (or its integral reasoning as to the expediency of such actions), and accordingly I am not satisfied that no injustice would be caused to any party.

Conclusions

14. For the reasons given above, I conclude that Appeals A, B, C and D should succeed on ground (b). The enforcement notices (A, B, C and D) will be quashed. In these circumstances, the appeals on grounds (a) (c), (d), (f) and (g) and the applications for planning permission deemed to have been made under section 177(5) of the 1990 Act do not fall to be considered.

Andrew Walker

INSPECTOR