



Appeal Decision

Site visit made on 6 September 2025

by **A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/N0410/C/23/3324968

Land at Maltmas Green, Blacksmiths Lane, Denham, Uxbridge, UB9 4HN

- 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 “1990 Act”).
- The appeal is made by Sheikh Nawaf Al Thani against an enforcement notice issued by the Buckinghamshire Council.
- The enforcement notice was issued on 16 May 2023.
- The breach of planning control as alleged is the erection of a link extension connecting two outbuildings.
- The requirements of the enforcement notice are to: (1) Demolish and remove the link extension connecting the two outbuildings as shown crosshatched in black on the plan attached to the issued notice labelled A and as shown outlined by the black line on the attached aerial image labelled B, and (2) Remove from the land all materials, debris, plant and equipment associated with step (i) above.
- The period for compliance with requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the 1990 Act.

Decision

1. It is directed that the enforcement notice be varied by the deletion of the number “3” in section 6, time for compliance, and the substitution therefor by number “12”. Subject to this variation, the appeal is dismissed, and 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.

Ground (a)

2. The **main issues** are: (1) Whether the development constitutes inappropriate development in the Green Belt (2) the effect of the development on openness and the purposes of the Green Belt (3) whether the development preserves the special architectural or historic interest of the listed building and whether the significance of the heritage asset is harmed, and (4) if the development is inappropriate in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Inappropriate development

3. Consolidated and saved Policy GB1 and GB10 of Local Plan (2011) are relevant in that they apply to development in the Green Belt. The justification text to the latter appears at odds with current national planning policy set out in chapter 13 to the National Planning Policy Framework (NPPF). However, the policy text is broadly consistent with the main aims of the NPPF 154(c), which explains that the extension or alteration of a building is not inappropriate development provided it does not result in disproportionate additions over and above the size of the original building.

4. The appeal building, and those to which it is connected, are located between the west flank of Maltmas Green and the western boundary of the residential curtilage, immediately adjacent to the boundary with Froggy Lane. The appellant's evidence includes plans of the outbuildings and infill development that forms a link. These details combined with my own observations confirm the existing outbuildings are in proximity to the dwellinghouse. For the purposes of this deemed application, I too agree that, applying *Warwick DC*¹, the link extension can reasonably be regarded as an extension or domestic adjunct.
5. At final comments stage, the appellant provides calculations of the original building's footprint. These demonstrate that the extensions to the main house and complex forming the service yard increase the floorspace by 425.2sq.m. The appeal link extension is 45.12sq.m. The cumulative increase is 62.9% but without the link it increases by 56.2%, and the cumulative increase to the main house is 142.3sq.m or 28.4%. The appellant acknowledges, correctly, in my opinion, the cumulative increase of additions within proximity to the main dwelling represents significant increase in size of the original dwellinghouse. The link extension's bulk, mass and volume results in an extension which represents a disproportionate addition over and above the size of the original building.
6. Contrary to the appellant's submissions, I too find that the subject development constitutes inappropriate development in the Green Belt. There is conflict with the aims and objectives of policies GB1 and GB10.

Effect on openness

7. National Planning Practice Guidance sets out factors that can be considered when considering the potential impact of development on the openness of the Green Belt (Reference ID: 64-001-20190722). These include but are not limited to visual and spatial aspects. Any such assessment requires a judgment based on the circumstances of the case. Given the location of the appeal site, the development has a spatial impact on the Green Belt. Visually, the gap between the two outbuildings has been filled by the link extension. In isolation the link extension has a low profile but when considered in the context of the two outbuildings, the development forms a link and reduces the open aspect of this part of the Green Belt given the increase in bulk and mass. That said, the link extension is limited in scale and appears as a domestic addition to the existing outbuildings. Nevertheless, the development represents encroachment albeit in this location the link extension nor outbuildings are noticeable in views from public vantages, due to the landscape setting, location of boundary treatment and the area's topography.

Effect on designated heritage asset

8. Maltmas Green is a vernacular house of the turn of the 18th Century and is listed at grade II. Its significance is derived from the building's architectural style, but the spacious and landscaped parkland setting reinforces the property's special historic interest. The building has had several extensions and alterations including curtilage outbuildings or domestic adjuncts.
9. The link extension is a modest addition to the outbuildings and, as I have already indicated elsewhere, it forms an infill extension linking two outbuildings. It results in development that is limited in scale because of its bulk and mass: the entrance to the link extension is noticeable from within the site. Given the location and positioning of the link extension, the development preserves the building's architectural interest.

¹ *Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe* [2022] EWHC 2145 (Admin).

10. The Council also argue that the link extension adds to visual clutter within the curtilage to the listed building. I too agree that the significance of the heritage asset includes its parkland and landscaped setting, which surround the listed building and emphasise its special historic interest. A range of outbuildings serve the property and appear as part of the main living accommodation. The area to the west forms a distinct and separate service area. I observed that this part of the site has a distinct quality and is set apart from the formal gardens to the east of the entrance. It is relatively enclosed and does not impede views of the listed building, due to the existence of intervening buildings and planting.
11. On this main issue, I find that the link extension, taken in isolation or together with the outbuildings, does not have a negative effect on the setting or significance of the listed building. The development, at the very least, preserves the special architectural or historic interest of the listed building. Accordingly, the development meets with Core Strategy (2011) Policy CP8 and does not conflict with advice found in chapter 16 to the NPPF.

Other considerations

12. The following matters are advanced in support of the alleged development. The site history indicates planning permission for a detached outbuilding was granted in 2009. The Council explain that since about 2013, either new outbuildings have been erected, or existing ones extended in one shape or another. Be that as it may, the notice relates to operation development.
13. The appellant submits the link extension is required to provide accommodation for overnight carers who care for the appellant's mother. When visiting the area for long spells, the mother resides at the property and carers are needed to be on hand day and night. Details of the medical condition have been provided, and the submissions explain why separate accommodation on the site is required. The Council do not dispute this evidence, although they state that personal circumstances seldom justify inappropriate development, especially where there are strong policy objections.

Planning balance

14. The erection of a link extension connecting two outbuildings has harmful implications for the Green Belt in terms of inappropriateness, erosion of openness and encroachment into the countryside, which is a serious planning objection, though the harmful effect on openness is significantly reduced due to the landscaped location of the development and site. Nonetheless, in accordance with national policy, such harm carries substantial weight. Accordingly, there is conflict with the Green Belt protection objectives found in national and local planning policy.
15. My findings on the third main issue are that the development, subject of this appeal, preserves the special architectural or historic interest of the listed building and the significance of the heritage asset. This outcome has a neutral effect on the balancing exercise because it neither weighs in favour nor against.
16. In terms of design and layout, the link extension connecting two outbuildings is limited in scale. It provides accommodation within proximity to the dwelling and other ancillary accommodation. Carers can be accommodated on the site to meet the personal and medical needs of the appellant's mother. However, the link extension connecting two outbuildings would remain long after the personal circumstances change. Additionally, on the available information, it is unclear to me as to why existing outbuildings cannot meet the appellant's personal circumstances.

17. Article 8, human rights, are engaged because there would be interference with private and family life and the need to provide separate accommodation. However, in the context of this appeal, there is no persuasive evidence before me to suggest that alternative accommodation for carers or nursing staff cannot be found in what is a substantial property. Interference must be balanced against the wider public interest in pursuing the legitimate aims stated in Article 8. In this location, the inappropriate nature of the development represents a grave land-use objection. There is a need for restrictive policies to be applied to such areas, and this restriction is an appropriate proportional response to that need.
18. On one side, I attach significant weight to the personal circumstances presented and human rights implications add further weight in favour of grant of planning permission. On the other hand, the development constitutes inappropriate development in the Green Belt to which substantial weight is given.
19. The case in favour of planning permission has been forcefully put. Nevertheless, in my planning judgment, I find that the advanced considerations, whether taken individually or cumulatively with the design and location of the link extension, do not, on balance, clearly outweigh the conflict with planning policies designed to protect the Green Belt so as to justify the grant of a planning permission on the basis of very special circumstances.

Ground (g)

20. The appellant argues that the period of compliance is too short, but I agree with the Council that 18 months is far too excessive given the nature of the work required by the notice. That said, there is some force behind the reasons as to why 3 months is too short. For example, the personal circumstances advanced require 24-hour round the clock carers to be on hand. The removal of the link extension connecting two outbuildings means alternative accommodation would be needed for the carers. In my judgment, a slightly extended period of compliance would be proportionate. I consider that 12 months would be reasonable for the appellant to resolve matters without causing hardship.

Overall conclusions

21. For the above reasons and having regard to all other matters raised, I conclude that the deemed application on ground (a) fails, and planning permission is refused on the deemed application. However, as I have varied the period of compliance, ground (g) succeeds to that limited extent.

A U Ghafoor

INSPECTOR