



## Appeal Decision

Site visit made on 2 September 2025

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

**Decision date: 24 September 2025**

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### **Appeal Ref: APP/A1910/C/23/3323871**

### **Land At Church Road, Little Gaddesden, Berkhamsted, Hertfordshire, shown edged red 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 Ibrar Shahid against an enforcement notice issued by Dacorum Borough Council.
  - The enforcement notice, Ref E/23/00123/NPP, was issued on 28 April 2023.
  - The breach of planning control as alleged in the notice is without planning permission, unauthorised erection of field shelter/building.
  - The requirements of the notice are to:
    1. Demolish the outbuilding outlined in blue on the attached plan.
    2. Remove all materials generated from step 1 off the land.
  - The period for compliance with the requirements is 2 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (b) (c) (d) of the Town and Country Planning Act 1990 as amended (the Act).
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### **Decision**

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

### **Background**

2. I am told by the appellant that he purchased the appeal site for keeping livestock in or around July 2021, and there was an existing dilapidated shed on the land. At the time the appeal submissions were written, it is said that the shed had been on the land for at least 12 years.
3. Ms Stapleford of the Council visited the site on 2 August 2021, and the next day she emailed the appellant and said:

*"There is a dilapidated shed which was already on the land and you are making improvements to this building so that it can be used to house the animals. You have not increased the size of this shed and as such, this does not require planning permission at this stage."*

In summarising the contents of her email, Ms Stapleford further said:

*"The use of the land to keep/graze and breed livestock is permitted to continue and you can use the old shed which was previously on the land."*

### **Ground (b)**

4. For success on this ground, I must be satisfied on the balance of probabilities that matters stated in the notice said to constitute a breach of planning control have not in fact occurred. The burden of proof sits with the appellant.

5. Essentially, the appellant's case is that the allegation is factually incorrect in that a field shelter/building has not been erected.
6. I have studied all of the evidence carefully, not only from the main parties but also from third parties. There is overwhelming evidence (including photographic evidence) that the building I saw on my site visit, and in existence at the time the notice was issued, is considerably larger than the small, open-fronted animal shelter that had existed in 2021. Notwithstanding that some of the materials from the earlier small structure may have been used in the construction of the current building, I find as a matter of fact and degree that a new building has been erected. In effect, the earlier shed no longer exists and has been replaced by a new larger structure. There is no reasonable basis for finding that all that has occurred is the improvement, repair or maintenance of an existing structure.
7. And, for the avoidance of doubt, the structure enforced against is indeed a building due to the combined factors of its size, permanence and attachment to the ground.
8. Accordingly, I am not satisfied on the balance of probabilities that the matters stated in the notice have not occurred. Ground (b) does not succeed.

#### **Ground (c)**

9. For success on this ground, it is for the appellant to demonstrate on the balance of probabilities that matters stated in the notice do not constitute a breach of planning control.
10. The building constitutes operational development under section 55 of the Act for which planning permission is required. There is no planning permission in place, whether express or general.
11. I am accordingly not satisfied that the matters stated in the notice do not constitute a breach of planning control, and therefore ground (c) fails.

#### **Ground (d)**

12. To succeed on ground (d), I must be satisfied on the balance of probabilities that enforcement action was not possible on the date the notice was issued.
13. Section 171B(1) of the Act provides that, where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed.
14. The notice was issued on 28 April 2023. Given my findings above, that the new building did not exist in July 2021, it was not too late for the Council to take enforcement action in respect of it. Accordingly, ground (d) does not succeed.

#### **Conclusion**

15. For the reasons given above, I consider that the appeal should not succeed.

*Andrew Walker*

INSPECTOR