
Appeal Decision

Site visit made on 15 October 2025

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 6 November 2025

Appeal Ref: APP/X0415/C/23/3325130

Land at Highfield, Narcot Lane, Chalfont St Giles, Buckinghamshire HP8 4DX

- 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 Paul Harrison against an enforcement notice issued by Buckinghamshire Council.
 - The enforcement notice was issued on 28 April 2023.
 - The breach of planning control as alleged in the notice is, without planning permission, a material change of use of the Land to a mixed use (sui generis) comprising of agricultural, residential, vehicle repairs, the siting of one mobile home, commercial parking of vehicles and general storage and integral to the unauthorised use, the siting of shipping containers, associated paraphernalia, items, equipment and vehicles, and the carrying out of operational development to facilitate the unauthorised use, comprising the formation of hardstanding, the erection of fencing and the erection of buildings.
 - The requirements of the notice are:
 1. Cease the use of the Land for general storage purposes and the commercial parking of vehicles;
 2. Remove from the Land all shipping containers not used in connection with the lawful use of the Land;
 3. Remove from the Land all paraphernalia, items, equipment and vehicles not used in connection with the lawful use of the Land;
 4. Rip up and remove the hardstanding from the Land;
 5. Remove the fencing from the Land;
 6. Demolish/dismantle the building;
 7. Remove all materials and debris resulting from complying with steps 1 to 6 of this Notice, from the Land.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2) (b) of the Town and Country Planning Act 1990 as amended.
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Summary Decision: the appeal is dismissed and the enforcement notice is upheld

Procedural Matters

1. The appeal was originally submitted only on ground (b) as set out in Section 174(2) of the Town and Country Planning Act 1990 (the 1990 Act). However, on my reading of the Appeal Form, it was apparent to me that an appeal was also being made on ground (d) as set out in Section 174(2) of the 1990 Act, namely that, at the date on which the notice was issued, no enforcement action could be taken in respect of any breach of planning control that may be constituted by those matters. The test in this regard is the balance of probability, and the burden of proof is on the appellant.

2. However, this ground is only briefly stated on the Appeal Form and is not expanded upon on any subsequent statements. Consequently, the appellant has provided no evidence whatsoever in support of that ground of appeal and therefore has not discharged the burden that falls upon him. Accordingly, I have not considered that ground of appeal further.
3. Paragraph 2 of the notice identifies the land to which the notice relates as being Land Highfield, Narcot Lane, Chalfont St Giles, Buckinghamshire HP8 4DX, shown edged by a **thick black line** on the attached plan (emphasis as in the notice). The difficulty is that there is a total of three thick black lines shown on the plan attached to the notice. Two of these lines are of the same thickness, such that is impossible to distinguish between them.
4. The first of these lines extends around the periphery a wider area that extends fully to Narcot Lane. The second line encloses an area depicted on the plan as being hatched. There is a notation on the plan indicating that the 'unauthorised use' is taking place within that hatched area.
5. However, within that hatched area is a further thick line that encloses a 'L' shaped parcel of land. A notation on the plan indicates that 'outbuildings' are located within that area, albeit there is no principal building identified to which these outbuildings are associated. The breach of planning control at paragraph 2 of the notice itself refers to 'buildings', not 'outbuildings'. The line enclosing that 'L' shaped parcel of land is noticeably thicker than the lines that enclose the wide site and the hatched area.
6. One interpretation is therefore that the 'thick black line' referred to in paragraph 2 of the notice refers to the line that encloses the 'L' shaped area. However, that cannot be the case: the plan clearly indicates that the 'unauthorised use' is taking place within the area shown as being hatched, part of which is outside the 'L' shaped area enclosed by the thickest black line.
7. By reading the notice itself and the plan attached to the notice together, it is reasonably clear that the notice is intended to attack the uses and associated operational development within the area shown hatched on the plan attached to the notice, including within the 'L' shaped area. It is apparent that the appellant has understood that to be the case.
8. The plan attached to the notice is less than clear and somewhat confusing due to the use of black lines of various thicknesses to define the different parts of the site. Nonetheless, the plan is sufficient to identify the land to which the notice relates and to which the requirements of the notice apply. I am therefore satisfied that the plan attached to the notice, whilst perhaps not as clear as it ought to be, does accord with the Town and Country Planning (Enforcement Notice and Appeals) (England) Regulations 2002. As a result, and notwithstanding the reference to 'outbuildings' rather than 'buildings' as stated in the notice itself, I do not perceive a need to correct the plan attached to the notice.
9. Although the appellant's representative did attend the site visit, the gates to the 'L' shaped area of the site were locked and the representative did not have the key. Consequently, I could not gain access to that part of the site. However, the 'L' shaped area of the site is enclosed by a wire mesh fence and I was able to see to all parts of the site from outside of it.

The appeal on ground (b)

10. The ground of appeal is that, in respect of any breach of planning control that may be constituted by the matters stated in the notice, those matters have not occurred. An appeal on this ground is one of the 'legal' grounds of appeal, in which the burden of proof is on the appellant to show, on the balance of probability, that the matters alleged in the notice have not occurred.
11. This ground is again only briefly stated on the appeal form and is not expanded upon in any subsequent statements. One of the points made is that there is no hardstanding on the site, only a weed membrane and gravel. However, a representation from a third party explains that in or around 2021 the appellant spent months removing the topsoil and making it into banks around the land to shield the view and moved hundreds of lorries loads of hardcore to create the hardstanding. This evidence directly contradicts that of the appellant. It is in my view instructive that the appellant has not taken the opportunity to directly refute that evidence in Final Comments.
12. I could also see from outside of the site that the surface within the 'L' shaped area was not a weed membrane covered by gravel. The surface comprised of a compacted material, sufficiently robust to support lorries and significant quantities of scaffolding, sheet metal and building materials. Outside of this 'L' shaped area the surface appeared to be compacted gravel. I am therefore satisfied that the surface of the site can reasonably be described as hardstanding and that, as a matter of fact and degree, this aspect of the allegation has occurred.
13. The appellant contends that no mobile home exists on the entire site and that a mobile home that was once stationed on the land has now been removed. There was no mobile home on the appeal site at the time of my site visit.
14. The appellant's confirmation that a mobile home was once stationed on the land but was subsequently removed is an acknowledgement that this element of the breach of planning control has occurred. The appeal on ground (b) is expressed in the past tense: those matters have not *occurred* (emphasis added). It is therefore not necessary for the matter to have been taking place when the enforcement notice was issued or, for that matter, when my site visit took place. It is sufficient that the matter did occur at some point.
15. Nevertheless, the appellant's confirmation that the mobile home once stationed on the land was subsequently removed is an indication that the notice has already been complied with in this respect. My observations at the site visit confirm this to be the case.
16. The appellant's evidence is wholly silent on all the other matters stated in the notice as comprising the mixed use that is alleged to have occurred. I have taken that as a tacit acceptance that those matters have occurred.
17. On the balance of probability, I conclude that, in respect of the breach of planning control that may be constituted by the matters stated in the notice, those matters have occurred. Accordingly, the appeal on ground (b) fails.

Conclusion

18. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Formal Decision

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

Paul Freer
INSPECTOR