



Appeal Decision

Site visit made on 16 September 2025

by **A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC**

an Inspector appointed by the Secretary of State

Decision date: 2 December 2025

Appeal Ref: APP/J0405/C/23/3332280

Fairview Farm, Fenny Road, Stoke Hammond, Buckinghamshire, MK17 9BN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Martin Draper of MS Entertainment against an enforcement notice issued by Buckinghamshire Council.
- The notice was issued on 26 September 2023.
- The breach of planning control as alleged in the notice is the material change of use of the land to open storage (B8).
- The requirements of the notice are to:
 - Step 1 Permanently cease the unauthorised storage use of the Land.
 - Step 2 Permanently remove all non-agricultural materials and items from the Land, including but not limited to, lorry backs, vehicles, trailers, tyres and fairground equipment.
 - Step 3 Permanently remove (demolish) the boundary treatment comprising a mixture of heras fencing and corrugated metal fencing from the Land and ensure all materials used in its construction are removed from the Land.
 - Step 4 Back-fill, using soil, any holes created by the removal of fence posts from the Land.
 - Step 5 Permanently remove (demolish) the hardstanding from the Land and ensure all materials used in its construction are removed from the Land.
 - Step 6 Reinstate the Land to its condition prior to the unauthorised development taking place which consisted of untreated open agricultural grassland.
 - Step 7 Remove any debris from the Land that occurs from complying with Step 1, 2, 3, 4, 5 and 6 of this notice.
- The period for compliance with the requirements is within four (4) months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Preliminary matters

1. Since the enforcement notice was issued a lawful development certificate (LDC) has been granted for land adjacent to the appeal site. The LDC confirms that the Land in question has been used for an existing use for residential purposes as accommodation for travelling showpersons comprising the stationing of one mobile home, use of areas within the site for parking, storage and maintenance and fixing of machinery and fairground rides comprising B2 and B8 uses and activities for a continuous period of at least 10 years prior to the date of the application, being 8 March 2024.
2. The appellant has carried out a Great Crested Newt Assessment (the GCN report) in September 2025. Although this was submitted beyond the deadline for evidence, given the time taken to determine the current appeal, it would have been unreasonable to turn it away. This was agreed with the main parties and the Council has been given an opportunity to comment on the report.

The appeal on ground (a)

3. The ground of appeal is that planning permission should be granted for what is alleged in the notice. The main issues are the effect of the development on:
- i. the character and appearance of the area with particular reference to openness, landscape quality, settlement identity and erosion of the countryside arising from the scale and poorly designed layout,
 - ii. protected habitats;
 - iii. potential mineral extraction; and
 - iv. Grade 3 good to moderate arable land.

Ensure include planning policy for traveller sites reference in assessment and VALP traveller allocation.

Protected habitats

4. The GCN Report identifies areas and hedgerows which provide terrestrial habitat for GCN and other amphibians. Most of the grassland areas of the site are sub-optimal for amphibians because of intensive management, and a lack of cover and foraging opportunities.
5. The Red GCN Risk Zone on Fairview Farm includes some unmanaged and part managed. Part of the appeal site comprised of a former paddock with hardstanding area in storage use (identified as Area B in the GCN report) is the most suitable area of terrestrial habitat for GCNs. This area is required to be cleared and returned to its condition prior to the unauthorised development having taken place. The substrate of broken concrete and paving slabs has gaps and voids that provide excellent cover and resting habitat. There are also tipped and stored materials which provide further potential resting habitats. The open vegetation also affords easy dispersal to neighbouring areas and consequently, the report concludes that the loss or disturbance of this habitat has the potential for an adverse impact on GCN.
6. Provided that the requirements of the Notice are complied with Assuming that such work is done under the supervision of an ecologist and there is no further management intervention an adverse impact on GCN can be avoided. Without intervention the grassland will rapidly change to scrub and continue to be suitable for GCN in medium to long term.
7. There was no debris associated with Area C but a narrow strip of unmown grassland remains, which could support GCN. However, the vegetation on both sides of Area C is mown or grazed and has been for nearly a decade and the width of the unmanaged area is very narrow (c.1m), the presence of GCN is not anticipated and the risk of harm or disturbance is negligible.
8. There has been a partial change in the structure of Area B grassland. The initial change from grassland to storage area appears to have taken place around 2017 and since that time the north end of the grassland field has been used for seasonal storage of vehicles and equipment. Apart from 5m wide strips of unmanaged grassland at the north and south ends of this field, the remaining part of grassland is considered to be sub-optimal habitat for GCN regardless of it being located in a

GCN Red Zone because it is regularly mown and intensively sheep grazed. Such grasslands provide limited foraging opportunities for GCN and are generally avoided by GCN when dispersing or commuting and have no winter cover. Aerial imagery indicates that the entire area of grassland before 2017 was of a similar composition and condition, so the area would have been historically sub-optimal for GCN and an adverse impact from management or other activities very unlikely.

Mineral Extraction

9. The Council's case is that the site is located within a Minerals and Safeguarding Area and therefore the development generates harm to the potential extraction of minerals from the Land. As such it is argued that the development conflicts with Policy NE4 of the VALP and Section 15 of the Framework. However, no evidence has been submitted that the appeal site is within a safeguarded area and there is nothing in the identified policies and section of the Framework relating to minerals extraction. That being the case it is not possible for me to determine with any certainty that the development is prejudicial to any potential minerals extraction.
10. Consequently, I find that there is insufficient evidence that the development is harmful to the potential extraction of minerals contrary to Policy NE4 of the VALP and the Framework.

Arable Land

11. Policy NE7 of the VALP relates to the best and most versatile agricultural land which the Council will seek to protect in the longer term. Where development involving the best and most versatile agricultural land (Grades 1, 2 and 3a) is proposed, those areas on site should be preferentially used as green open space and built structures avoided. Where significant development would result in the loss of best and more versatile agricultural land planning consent will not be granted unless there are no other suitable sites and the benefits outweigh the harm resulting from the significant loss of agricultural land.
12. Although part of the land to which the enforcement notice relates is an allocated Travelling Showpeople Site, part of it has clearly encroached onto agricultural land. The unauthorised storage use and associated operational development, including hardstanding has resulted in the loss of versatile agricultural land which prohibits the land from achieving its most fitting use. In these specific circumstances there is no evidence that other suitable sites are available to accommodate the development, nor is there evidence that the benefits of the development outweigh the harm that is caused to significant loss of agricultural land.
13. Consequently, the development conflicts with Policy NE7 of the VALP and the Framework.

Other Matters

The Council contends that if permitted the development would establish a precedent for other similar pieces of land in the area and if repeated would contribute negatively to achieving the overall vision of the VALP. However, no directly similar or comparable sites to which this may apply have been put forward. Each application and appeal must be determined on its individual merits, and generalised concern of this nature would not justify withholding permission in this case if I were to find in favour of the appellant on other main issues. Therefore, in

this case the Council's concerns about precedent are not a significant consideration.

14. The Council has also identified that through developing previously open agricultural land the rural development buffer has been lost, impacting the amenities of current and future residents. However, the detailed reason for the objection on grounds of the living conditions of local residents is missing. Therefore, I take it as being part of the wider concerns relating to the overall character and appearance of the area and landscape character rather than a specific concern on matters such as outlook, for example. I have set out my comments on character and appearance above.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

A A Phillips

INSPECTOR