



Appeal Decision

No Site Visit Made

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2026

Appeal Ref: APP/X0415/C/24/3358268

Land at Keepers Cottage, 1 Latimer Road, Chenies, Buckinghamshire WD3 6EY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mrs Svetlana Bell against an enforcement notice ("EN") issued by Buckinghamshire Council - East Area (Chiltern).
 - The EN was issued on 5 November 2024.
 - The breach of planning control as alleged in the EN is: Without planning permission, the erection of a detached building.
 - The requirements of the EN are to:
 1. Demolish the building marked hatched on the attached plan.
 2. Remove from the Land (shown in thick black line under Appendix A) all material and debris resulting from complying with step 1 of this notice.
 - The period for compliance with the requirements is: Within four months of this Notice taking effect.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the 1990 Act.
-

Decision

1. It is directed that the EN is varied by:
 - *the deletion of the words "1. Demolish the building..." and their substitution with the words "1. Demolish the detached building..." in section 5 of the EN.*
2. Subject to the variation, the appeal is dismissed and the EN is upheld.

Preliminary Matters

3. The planning merits of the development are not relevant to an appeal under ground (f). A site visit was therefore not necessary as it would not help me reach a decision. Therefore, I advised both parties of my intention to determine the appeal without a site visit.

Appeal on Ground (f)

4. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control or any injury to amenity which has been caused.
5. The breach of planning control refers to a "*detached building*". However, criterion (1) of the EN's requirements refers to a "*building*". It is necessary for the breach of planning control to be described consistently throughout the EN therefore, the requirements should be varied accordingly. As this variation is for precision, I am satisfied that it would not cause injustice to either party.

6. A recent appeal¹ to retain the detached building was dismissed. The appellant suggests that the requirement to demolish the detached building is excessive, as they can overcome the appeal's reasons for refusal. To support this assertion, they have submitted photographs and suggested several alterations that could be made to the detached building. The appellant states that the suggested alterations could be imposed via condition.
7. However, there is no ground (a) appeal before me, as it is barred. Therefore, I am unable to grant planning permission for alterations to the detached building or consider whether the photographic evidence overcomes the previous reasons for refusal. Furthermore, the purpose of the EN is to remedy the breach of planning control. Therefore, any step lesser than the demolition of the detached building and the removal of any associated debris would not remedy the breach.
8. For these reasons, the requirements (as varied) are not excessive to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Conclusion

9. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with a variation.

A Berry

INSPECTOR

¹ Appeal Ref APP/X0415/W/24/3337293