



Appeal Decision

Site visit made on 15 December 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 14 January 2026

Appeal Ref: APP/X0415/C/23/3326772

**Land at Deep Mill Diner, London Road, Little Kingshill, Buckinghamshire
HP16 0DH**

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Shazad Ali against an enforcement notice issued by Buckinghamshire Council.
- The notice was issued on 15 June 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 comprising of agricultural, restaurant and ancillary residential accommodation and the storage of vehicles (the Unauthorised Use) and integral to the unauthorised use, the laying of hardstanding and erection of fencing and gates.
- The requirements of the notice are to:
 1. Cease the use of the Land for the storage of vehicles
 2. Rip up and remove the hardstanding (as shown marked hatched on the attached plan); and
 3. Remove the fencing (as shown marked by the dashed lines on the attached plan); and
 4. Remove the gates (as shown marked by *** on the attached plan)
 5. Seed the Land with grass seed (in the approximate location shown hatched on the attached plan)
 6. Remove from the Land any debris arising from compliance with Steps 1 to 4 of this Notice.
- The period for compliance with the requirements is: 4 months..
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed; the enforcement notice is upheld and planning permission is refused.

Preliminary Matters

1. The Council does not object to the agricultural, restaurant and ancillary residential accommodation uses set out in Section 3 of the notice and Section 5 does not require them to cease. The appellant does not seek planning permission for these uses in ground (a), nor for the storage of vehicles (the unauthorised use) or the hardstanding. The nub of the dispute relates to the erection of fencing and gates. This development is included in the breach of planning control, so although described as integral to the unauthorised use, it is within the scope of the deemed application for planning permission and is what the appellant seeks in ground (a).

Ground (a)

Main Issues

2. The Land is in the Green Belt and the Chilterns National Landscape¹. The appellant does not contest that the fencing and gates is inappropriate development in the

¹ Formerly known as the Chilterns Area of Outstanding Natural Beauty

Green Belt, according to Policy GB2 of the Chiltern District Local Plan, September 1997 as subsequently altered and consolidated (LP) and the National Planning Policy Framework (NPPF). The main issues are, therefore:

- the effect of the fencing and gates on the openness and purposes of the Green Belt;
- the effect of the fencing and gates on the Chilterns National Landscape; and
- whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances required to justify the fencing and gates.

Reasons

Openness and purposes of the Green Belt

3. The fencing is two long, parallel straight lines of close boarded wooden panels supported by concrete posts and gravel boards. The west fence is about 2m high, including a pair of wooden panel gates near London Road. It runs a considerable distance along the entire west boundary of the Land, next to a large field on one side. The east fence is slightly shorter and bisects the Land, initially about 2m high next to some outbuildings behind the restaurant and ancillary residential accommodation and then about 1.2m tall including a pair of similar wooden gates. A similar pair of wooden gates about 2m tall, inset from the road, facing it, give access to the wide hardstanding which lies between the fences.
4. I have not been informed that similar fencing or gates existed in these positions or elsewhere on the Land. The evidence before me otherwise indicates that these boundaries were likely mostly hedgerow with some trees or low wooden post and rail fencing. The overall size of the fencing and gates therefore has a significant innate three-dimensional physical and visual presence on the Land which is intrinsically no longer open in any equivalent or comparative sense.
5. Albeit in a small way compared to the extent of the Green Belt, I find that the fencing and gates do not preserve the openness of this part of the Green Belt or the Green Belt overall. As a result, this development causes appreciable harm to the openness of the Green Belt which is one of its essential characteristics. Nor does it safeguard this part of the Green Belt from this encroachment, in conflict with this purpose of the Green Belt. It is therefore contrary to LP Policy GB2 and NPPF paragraph 142.

Chilterns National Landscape (CNL)

6. The Land is next to a small cluster of sporadic, largely non-descript buildings and uses that were formerly mainly part of a small service/filling station along either side of the road. It is otherwise surrounded by countryside in the CNL. As a nationally designated landscape it has the highest status of protection in relation to conserving and enhancing its landscape and scenic beauty.
7. This part of the CNL, including the Land, is within the Misbourne Upper Chalk River Valley Landscape Character Area². Its distinctiveness includes a wide shallow valley comprising largely rough grassland, pasture and paddocks divided into

² Buckinghamshire Landscape Character Assessment 2011

smaller fields dissected by the meandering River Misbourne. The varied landscape has a mix of land uses and land cover but the valley floor maintains a sense of serene tranquillity, away from the road, with extensive vistas from the valley sides. It is an objective of the Council to mitigate visual intrusion in this part of the CNL.

8. The fencing panels and gates are mostly dark brown and in some places partly obscured by vegetation or are starting to weather. They can also be seen to a greater or lesser extent against a wider backdrop of landscape features, such as hedgerow, trees or rising landform.
9. However, albeit wooden, these excessively long or tall, monotonous linear fence lines and gates, with a sequence of light coloured concrete posts and gravel boards, convey a discordant domestic or commercial character and appearance. There is little to suggest that their stark, overly urban form is typical of boundary treatments in the rural setting of the Land, which nearby mainly includes hedgerow with some trees or low post and rail fences with metal five bar (or similar) field gates. Significant parts of the fencing and gates appear incongruous and prominent in views from along the elevated road frontage and in the vicinity of the restaurant car park. There is unchallenged evidence that this development is also conspicuous from public footpaths on surrounding higher ground.
10. As a result, although localised, the jarring, visually intrusive impact of the fencing and gates cutting across this landscape undermines the integrity of the CNL and the way in which it is experienced. Proposed landscaping to screen the fencing and gates could be secured by a planning condition, as could be their colour, but would not mitigate the inappropriate design of this development nor alter intrinsic harm to the CNL. Overly weathered or eventually old fencing or gates would in any event likely need to be replaced so periodically appear more pristine. Landscaping should anyway primarily seek to enhance or integrate acceptable new development into its context, not screen or hide fundamentally unsuitable development to begin with.
11. Consequently, I find that the fencing and gates cause significant harm to this part of the Chiltern National Landscape, thus in a small way to this landscape overall. This does not conserve or enhance its landscape or scenic beauty. The fencing and gates are therefore contrary to LP Policies GC1, GC12 and LSQ1 and Policies CS20 and CS22 of the Chiltern District Core Strategy, November 2011. These include that development in this area should relate well to characteristics of a site and its landscape setting that contribute to local distinctiveness, not detrimentally affect the character of the land and be a minimum to conserve and enhance the special landscape character and high scenic quality having regard to scale, size, siting and height and to type, colour and texture of materials.

Other considerations

12. Given that the appellant does not pursue planning permission for the storage of vehicles or the hardstanding, there is then little evidence to substantiate why this particular design or extent of fencing and gates are required for logistical and security purposes, including to contain animals kept on the Land and to keep intruders, vandals or thieves out.

Green Belt Balance

13. The fencing and gates is inappropriate development in the Green Belt, by definition (as set out in the NPPF) harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. As required by the NPPF, I give substantial weight to the appreciable harm to the Green Belt caused by the inappropriate development. The significant harm to the Chilterns National Landscape adds substantial additional weight against granting planning permission for the fencing and gates.
15. Set against this, this development has little apparent or compelling planning merit and in essence is largely a personal preference of the appellant. It would otherwise prolong profoundly unacceptable impact so I give these considerations little weight.
16. The other considerations do not, therefore, individually or collectively clearly outweigh the totality of harm in this case. Accordingly, the very special circumstances necessary to justify the fencing and gates do not exist.

Planning Balance and Conclusion

17. The fencing and gates conflict with national planning policy to protect the openness and a purpose of the Green Belt and are at odds with commensurate objectives of the Council's LP. It is also contrary to local and national planning policy relating to National Landscapes. There are no other considerations to indicate that ground (a) should be determined otherwise than in accordance with the development plan taken as a whole. Consequently, for the reasons given above the fencing and gates are unacceptable and ground (a) fails.

Ground (f)

18. It is clear from the reference to the unauthorised storage use with integral hardstanding, fencing and gates, and the requirements of the notice, that the purpose of the notice is to remedy this breach of planning control. Moreover, that the Council does not seek to under enforce in these regards.
19. I appreciate that part of the Land is used as a car park or overflow car park for the restaurant. But there is little to counter that those vehicles are parked incidental to (ie part and parcel of) the restaurant use and have a transient presence. It is functionally distinctly different to storing vehicles on the Land for longer periods as a discrete use. There is otherwise little evidence to substantiate fleeting reference to claimed authorised storage of vehicles on the Land or, therefore, any such fall-back position.
20. Given that ground (a) fails, removing the fencing and gates is then a reasonable and proportionate outcome. No other obvious alternative (than natural degradation or landscaping) has been promoted in these or any other regards. The appellant has submitted little else in respect of ground (f), including no other suggested lesser steps.
21. Consequently, I am satisfied that the requirements of the notice are not excessive so ground (f) fails.

Ground (g)

22. I saw a large number of vehicles on the hardstanding. However, there is little to suggest that finding somewhere else to keep or store them would be unduly time-consuming, such as scarcity of suitable and available premises. Nor that moving them would take an inordinate amount of time, especially if by transporter. There are no documents before me (such as leases or licenses) to demonstrate that any contractual obligations between the appellant and owners of the vehicles would have a bearing on timescales in these or any other regards.
23. The hardstanding surface is mainly loose or compacted stones. I have not been informed that there is a solid, constructed foundation or sub-base. It is reasonably extensive in area so removal could generate a significant weight and bulk of material. Though many in number, there is little to suggest that the fencing panels and gates could not easily be detached from the posts or gravel boards. It is likely that the posts would need to be extracted from the ground by mechanical means. Taken with the large number of gravel boards, this would also generate a notable weight and bulk of materials. However, there is little to suggest that any of these works would be unduly complicated or unusual or need an excessive quantity of machinery, equipment or labour. There is also no apparent reason why the hardstanding could not be removed piecemeal as vehicles on it diminished.
24. Sequentially, sowing the Land with grass seed follows requirements 1 to 4 of the notice and the time period in the notice would now run into mid-May. Though not optimal, this includes the mid-spring (March to April) grass planting season. There is also no apparent reason why some seeding could not be done as the hardstanding was gradually removed.
25. There is then little else to suggest that finding a suitable and available contractor(s) to carry out this work could not be achieved commensurate with the requirements and time period set out in the notice.
26. There is, therefore, little to substantiate or justify the appellant's request for 18-24 months, which would anyway be tantamount to an unwarranted grant of temporary planning permission. Such a disproportionate extension of time would unduly perpetuate the harm caused by the breach of planning control, as also set out in the Council's reasons for issuing the notice. I am mindful that the Council has powers under section 173A(1)(b) of the Act which give it discretion to extend the period for compliance, such as for any of the reasons outlined above, if justified. That would, though, be a matter for the main parties, whereas the period set out in the notice must be sufficient to begin with.
27. Consequently, on the evidence before me, the 4 month period in the notice to take the steps required by it does not fall short of what should reasonably be allowed. Accordingly, ground (g) fails.

Formal Decision

28. The appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan
INSPECTOR