



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 19 January 2026

Appeal Ref: APP/N0410/C/24/3350433

Bellswood Farm, Bellswood Lane, Iver, Buckinghamshire SL0 0LU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Paul Kelly against an enforcement notice issued by Buckinghamshire Council.
 - The notice was issued on 2 July 2024.
 - The breach of planning control as alleged in the notice is: A material change of use of the Land to vehicle sales, repairs and storage and to facilitate the use, the undertaking of operational development comprising the formation of a vehicular access onto Bellswood Lane, the laying of hardstanding, the erection of fencing and access gates and the siting of portacabins.
 - The requirements of the notice are: 1. Permanently cease the use of the Land for vehicle sales, vehicle repairs and storage; 2. Remove all items brought onto the Land in connection with the unauthorised use, from the Land, including but not limited to vehicles, vehicle parts, tyres, machines and equipment; 3. Cease the use of the vehicular access, and where the access has been created, restore the Land to its former level commensurate with the adjacent ground level (shown in the approximate position marked xxxx on the attached plan and shown in photo 1); 4. Rip up and remove the hardstanding (shown in the approximate position marked hatched on the attached plan) from the Land; 5. Remove the fencing and gates (shown marked by a dashed line on the attached plan) from the Land; 6. Remove the portacabins (shown in photo 2) from the Land; 7. Seed the Land with grass seed (in the approximate location shown hatched on the attached plan); 8. 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: Four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) & (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the Enforcement Notice (EN) is upheld.

Application for Costs

2. An application for costs made by Buckinghamshire Council against Mr Paul Kelly is the subject of a separate decision.

Preliminary Matters

3. There is no deemed planning application to consider. Consequently, a visual inspection of the appeal site and its surroundings was not necessary to assess matters such as the effect of the appeal development on the Green Belt or the character and appearance of the area. Furthermore, the two grounds of appeal do not involve planning merits. I have, therefore, been able to determine the appeal without visiting the appeal site. Neither appeal party has been prejudiced by this course of action.

Ground (f)

4. The EN alleges a breach of planning control comprising a material change of use of the land with associated facilitating operational development. It then requires, in

short, for the unauthorised use to cease and for all associated works to be removed, as well as various other items, including vehicles and portacabins. The land is then required to be grass seeded and everything else, such as debris and waste, also being removed. On this basis, the purpose of the EN is to remedy the breach of planning control by restoring the land to its condition before the breach took place. That purpose therefore falls squarely under s173(4)(a) of the 1990 Act, which sets the context for considering the ground (f) appeal.

5. The Council has submitted two photographs showing the point of access into the land. The one from May 2021 shows a roadside grass verge and, running parallel with that, there appears to be a shallow ditch with water in it that would prevent vehicles getting from the road to the land. There is a green coloured gate lying on the ground beyond, but there is no sign of a vehicular access. In stark contrast, the photograph from July 2024 shows a hard surfaced and splayed driveway which bridges over the roadside ditch. The watercourse appears to have been culverted using a black plastic pipe. The appellant has not disputed what the photographs show. Based on these, I am satisfied that there was not a previous access into the site at this point. Even if that is not the case, the works done to put in an access were part and parcel of facilitating the unauthorised use of the land.
6. There may have been some hard surfacing on the appeal site before the breach took place. However, the appellant has not defined the extent of any former surface or what that comprised of, or that works to that surface were not done to facilitate the car sales, repairs and storage use. Moreover, in response to a Planning Contravention Notice (PCN) served by the Council in May 2024, the answer given to the question "Has any hardstanding or concrete been laid on the Land edged in BLACK on the attached plan, if so please mark the location of this on the plan" was "Yes. A vehicular access has been provided where it is understood that an historical access was located. Hard surfacing has also been laid within the site. Virtually the entire site edged in black has been hard surfaced". The land identified in the PCN is, roughly, the same area as that shown in the EN.
7. Regarding fences and gates, it may be the case that planning permission to erect these under permitted development rights may exist. However, it has not been substantiated that there is a lawful fallback position. Also, in change of use ENs it is proportionate to require facilitating operational development to be removed to remedy the breach. In response to the same PCN, it was confirmed that new fencing had been erected around the entire site and new gates provided at the front. Upholding the EN and requiring the fences and gates to be removed would not interfere with any potential lawful fallback permitted development right after the EN has been complied with.
8. The steps required by the EN to be taken and the activity required by the EN to cease, do no more and no less than seek to remedy the breach by restoring the land back to its condition before the breach took place. As such, they are not excessive. The ground (f) appeal fails.

Ground (g)

9. There are no details of the appellant's financial circumstances to show why they may hinder carrying out the necessary work or why that should take longer than the specified time. In my view, four months to comply with the EN does not fall short of what should be reasonably allowed. The ground (g) appeal also fails.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed.

Gareth Symons

INSPECTOR