Planning Inspectorate

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 19 January 2026

Appeal Ref: APP/K0425/C/24/3337790
Land adjoining The House, Babs Park, Blind Lane, Bourne End, Buckinghamshire SL8 5LF

- 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 Michael Parker against an enforcement notice issued by Buckinghamshire Council.
- The notice was issued on 12 December 2023.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a part open fronted machine store.
- The requirements of the notice are to:
  1. Remove the part open fronted machine store, as shown marked hatched blue on the attached plan and shown in photo 1.
  2. Remove all materials from the land resulting from compliance with the requirements in point 1.
- The period for compliance with the requirements is: six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) 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. At my site visit the main parties identified that the part open fronted machine store has been altered since the notice was issued. I refer to this building as the store. They considered the store to be the basis of the deemed application for planning permission in ground (a). I am satisfied that the apparent differences between these two structures have no significant bearing on the matters in dispute, including that the overall form and extent of the store remains consistent with what is shown in Photo 1 and hatched in the plan attached to the notice and it is the breach of planning control pursued by the notice. I have, therefore, considered the appeal on this basis and am also satisfied that this causes no injustice to any party.

2. Since the notice was issued, the National Planning Policy Framework was most recently published in December 2024 and amended in February 2025 (the NPPF). At my invitation, I have taken comments on the NPPF from both main parties into account in determining the appeal.

Enforcement Notice

3. The appellant's comments included unsolicited submissions to the effect that the store backs onto a pre-existing retaining wall. There is, though, little to suggest that a retaining wall (even if near or now part of the store) is pursued by the Council in section 3 of the notice or the requirements in Section 5.

Ground (a)

Main Issues

4. The Land is in the Green Belt so the main issues are:

   - whether the store is inappropriate development in the Green Belt;
   - the effect of the store on the openness and purposes of the Green Belt; and
   - whether other considerations clearly outweigh the harm to the Green Belt so as to amount to very special circumstances required to justify the store.

Reasons

Whether inappropriate development

5. The NPPF sets out that development in the Green Belt is inappropriate unless a relevant exception applies. On the evidence before me, the exceptions at paragraphs 154(a), 154(d), 154(g) and 155 potentially apply.

6. **Paragraph 154(a)** refers to buildings for agriculture and forestry. The appellant considers the store is a building for agriculture.

7. The appellant has restored most of the open, undeveloped part of the Land from a derelict state, seeded imported top-soil to pasture and maintained it as such using machinery kept in the store. I saw that this includes items such as a tractor, which can be described as agricultural in nature. This grassland is significant in area and much of it could provide good quality grazing land. Given little evidence to the contrary, I accept that this part of the Land is agricultural land. In section 336 of the Act, agriculture includes the use of land as grazing land, and prerequisites for agricultural permitted development rights[1] – such as an agricultural unit (trade or business) and buildings reasonably necessary for the purposes of agriculture and farming the land – do not apply to paragraph 154(a). Nor do any other limiting criteria, such as the size of a building for agriculture.

8. However, this does not mean there is carte blanche to erect new buildings in the Green Belt under the auspices of paragraph 154(a). Whether the store is a building for agriculture is another matter. In this regard, the appellant has likened the need for it as no different to any agricultural holding in order to justify it.

9. The appellant had appeals dismissed in 2010 for an agricultural storage barn[2] and in 2012 for what he described as a replacement field storage barn[3]. Each was essentially said to be required for the same or similar purpose as the store, ie to maintain the Land. The 2010 Inspector found no agricultural use or activity and the 2012 Inspector found no productive agricultural use. The appellant agreed the land was not then (in 2012) used for agricultural purposes and that the barn would not be used solely in connection with an agricultural use. In short, both barns were not a building for agriculture and inappropriate development in the Green Belt.

10. Part retrospective planning permission was more recently granted for excavation and engineering works to recontour and level the agricultural land, including to improve productivity and facilitate management. It is not clear to me what

[1] Article 3(1), Schedule 2, Part 6, Class A or B - The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended
[2] APP/K0425/A/09/2118932
[3] APP/K0425/A/11/2161923

productive agriculture or management activity was occurring on the Land at that time or was then intended. A previous planning application for a building for a deer based enterprise was refused, though it is not said when this was.

11. I have not been advised about livestock or other animals grazed on the Land (or if kept on the Land, such as recreational horses) when the store as originally built was erected or since, including after the Land was improved. Nor by whom or what entity and for what purpose or benefit. There is also little explanation of any specific productive use or alternative enterprises said to have been actively evaluated when the appeal was lodged. Nor have I been informed of progress since in these regards and after what is now a significant period of time, including that there is, for example, no business plan or other details about any intended agricultural activity. In short, there is little from the appellant about any specific actual current or proposed agricultural activity or use of the Land.

12. Albeit snapshots, the Council has not seen any agricultural activity on the Land or its use for agricultural purposes in recent site visits, nor did I see livestock or other animals or any apparent arable use.

13. The absence of tangible existing or planned agricultural activity and no evident imminent or foreseeable prospect casts significant doubt in my mind. These factors are relevant to establishing if the store is a building for agriculture in order to engage this exception for otherwise justified development in the Green Belt. It is thus relevant to an in principle decision to grant the permanent planning permission sought by the appellant or, potentially, a temporary permission to allow a proposed agricultural activity to become established, so cannot be left to a planning condition.

14. There is little evidence of delay by the Council in determining previous planning applications or that its decisions to refuse planning permission for alleged livestock buildings have unduly hindered actual or planned agricultural activity on the Land. I appreciate that the notice was issued in December 2023 shortly after the Council refused retrospective planning permission for the store (as originally built or as it by then existed) in November 2023. I also accept that the appellant has meantime had a reasonable expectation of success on ground (a), with little certainty until recently about when the appeal would be determined. Nevertheless, there is little to suggest that the Land has been used for a productive agricultural activity, including since it was improved or in relation to when the store as originally first built came into being. Nor is there any evident reason why this has not been possible in the interim, including if only on a temporary basis.

15. In these circumstances, there is, on the face of it, little to suggest other than that grass on the Land is mown and maintained in this condition by the appellant for its intrinsic general upkeep, rather than for grazing or any crop, including to make hay. As a result, I am not satisfied he has demonstrated in this appeal that the store is a building for agriculture so paragraph 154(a) does not apply.

16. **Paragraph 154(d)** refers to replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The appellant maintains the store is a smaller replacement building.

17. There is ambiguity or lack of precision in the main parties' conflicting evidence in this regard, including that I have not been informed when the store as originally built was erected. It is also not clear to me if there was a previous building in the same position on the Land as the store. But even if there was, there is little

evidence about its size or use or when it was removed. What is clear is that in 2010 and 2012 it was established that an unauthorised barn on the Land had been demolished some time/years ago. Moreover, the application for retrospective planning permission for the store, refused in 2023, was submitted in 2021 so some 10 years after these appeal decisions and long since the barn was demolished.

18. There is, therefore, little to suggest that any part of the store replaced a pre-existing building in the same position or that it existed before the barn was demolished or came into being concurrent with its removal, as opposed to that it was constructed later. On this basis, there was no building to be replaced. But even if there was and the store is smaller in size, I have not been informed that there was a building in the same (machine storage) use as the store or in a specific agricultural use.

19. The appellant has not, therefore, demonstrated that the store replaced a building or that if it did, it is not materially larger and in the same use. Accordingly, paragraph 154(d) does not apply.

20. **Paragraph 154(g)** includes limited infilling or the partial or complete redevelopment of previously developed land (PDL) which would not cause substantial harm to the openness of the Green Belt. The appellant believes the Land is PDL and that the store does not cause substantial harm to openness.

21. The Land contains a small cluster of buildings in a corner, also owned by the appellant. There is no dispute that this is lawful development. It includes four dwellings (one where the appellant lives, the main building), some outbuildings and gardens all set within the immediate environs of discrete curtilages. There is little to suggest there is agricultural activity or use on this part of the Land. Albeit next to a conservatory and despite its proximity to the appellant's dwelling, the store is said to be required to maintain the open, undeveloped vast majority of the Land. Accordingly, there is little to suggest that the land on which the store is sited (and the store itself) has any function or ancillary purpose in relation to these other buildings, so no intimate association with them and not part and parcel of them.

22. As a result, the land on which the store is sited is not part of the curtilage of the appellant's dwelling or any of these other buildings. But if I am wrong about curtilage, the land on which the store is sited has not been lawfully developed with this building. In addition, and in any event, according to the appellant, the open, undeveloped part of the Land is occupied by a building for agriculture (the store) or was last occupied as such (ie a building where the store is or the barn that was elsewhere on the Land) so, either way, the land on which the store is sited is excluded from PDL[4].

23. Consequently, while there is little evidence that the store causes substantial harm to the openness of the Green Belt, the appellant has not demonstrated that it is on PDL, so paragraph 154(g) does not apply.

24. **Paragraph 155** includes commercial and other development in the Green Belt where, in this case, all three of the applicable criteria a., b. and c. apply. The appellant considers these are all met.

25. The Council accepts that the Land does not strongly contribute to any of purposes (a), (b) or (d) of the Green Belt in NPPF paragraph 143, so it is grey belt land[5] for

[4] NPPF Annex 2: Glossary
[5] NPPF Annex 2: Glossary

that reason and criterion a. of paragraph 155 is met. I have no reason to find otherwise. However, there is little evidence of a demonstrable unmet need for the type of development in this case (a machine store or building for agriculture) or that it is in a sustainable location, thus criteria b. and c. are not met.

26. The appellant has not, therefore, demonstrated that paragraph 155 applies.

27. Taking account of all the above, I find that the store is inappropriate development in the Green Belt, contrary to the NPPF. It is also at odds with Policies CP8(3) and DM42(2) of the Wycombe District Local Plan, August 2019 (the LP). These policies protect the Green Belt from inappropriate development unless there are very special circumstances.

Effect on openness and purposes of the Green Belt

28. The store is a row of linked bays (compartments) of different detailed design on concrete slabs. Parts of this building are open at the front or above and incorporate doors or flat roofs. External materials include brick or concrete breeze block walls, metal framework, flat or profile steel sheeting, corrugated fibre cement or bitumen sheeting and wooden cladding. It is a reasonably long, wide and tall structure with a rectangular, box-like angular form and significant building volume. It is, therefore, appreciable in overall size with some intended permanence.

29. As outlined earlier, it is not clear if a previous building existed in the same position on the Land as the store, including in size or use. Even if the previous barn was more in the open on the Land, there is little evidence about its dimensions or any comparison by objective, empirical measure. But, in any event, there is little to counter that any such previous development no longer exists, including by the time the store as originally erected was built. As a result, openness had increased on the Land before the store came into being, so there is no apparent compensation by way of building credit or nett off-set in built form.

30. Consequently, whilst there is little to suggest that the store is major development, this part of the Land is intrinsically no longer open in any equivalent or comparative sense. While parts of the store are level with the gradient of adjoining ground level and next to one end of the conservatory, it has a notable innate three-dimensional physical and visual presence on the Land. I have not been informed about any public view of the store but it can be observed by those who visit the Land.

31. Other development in the Green Belt, such as for housing, may have greater impact on openness or the purposes of the Green Belt. But this comparison is not relevant to ground (a) on the individual planning merits of the store.

32. Albeit in a small way compared to the extent of the Green Belt, I find that the store does not preserve the openness of this part of the Green Belt, thus the Green Belt overall, 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. Consequently, the store is contrary to the Council's intentions for the Green Belt as set out in LP Policies CP8(3) and DM42(2) and is contrary to the objectives of NPPF paragraphs 142 and 143(c).

Other considerations

33. I have no reason to doubt that the appellant has significantly improved the condition of the Land at his cost and effort. Nor that he endeavours to put it to productive use

to bring some return on his investment. But there is little evidence about what this actually means and whether, for example, it might also support the rural economy in the wider public interest.

34. The Land complements features in the surrounding landscape, such as grass fields and topography set within a patchwork of woodland shaws. Though not covered by any specific designation, this part of the countryside is pleasant and of some intrinsic landscape value. Albeit that there is little public appreciation of this, the Land has an innate positive influence on the character and appearance of the area.

35. As well as in extent, the undulation with a steep gradient across some of the Land likely makes it more difficult to maintain and prevent it becoming unkempt; especially without machinery such as that kept in the store, which is likely conveniently located for this purpose. I accept that the machinery has significant monetary value and, as the appellant has unfortunately experienced, it can be prone to theft or attempted theft.

36. Nonetheless, even if there is no other suitable or available building(s) on the Land to store some or all of the machinery (there is no building survey or inventory to that effect), there is little to substantiate that the same or similar outcomes on the Land could not be achieved by other viable means. For example, if some or all of the machinery is stored elsewhere, such as in a suitable commercial yard or premises.

37. There is fleeting reference to the appellant as having started to build the store under the impression it was Part 6, Class B permitted development. I have not been informed he still holds that view and the appeal was not lodged including ground (c). There is no substantive evidence to suggest a fallback in this regard.

38. The Council did not object to the application for retrospective planning permission for the store for any other reason and no other reason was given for issuing the notice. The absence of other harm, and Council member or public objection, are neutral factors in my decision.

Green Belt Balance

39. The store 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.

40. As required by the NPPF (given that footnote 55 is not engaged because the development in this case is inappropriate development), I give substantial weight to the moderate harm to the openness and a purpose of the Green Belt. There is no other harm in this case.

41. Set against this, as a means to maintain the Land absent any apparent existing or proposed agricultural activity on it, there is little to suggest other than that the store is largely a private benefit and personal preference of the appellant. I therefore give little weight to this consideration. Reinstating this part of the countryside aligns with objectives of the NPPF to conserve and enhance the natural environment in the wider public interest, including the intrinsic character and beauty of the countryside. This adds support to ground (a) but it is moderated because it has been facilitated

by otherwise unwarranted inappropriate development in the Green Belt. Accordingly, I give this consideration limited weight.

42. The other considerations do not, therefore, individually or collectively clearly outweigh the harm to the Green Belt in this case. Accordingly, the very special circumstances necessary to justify the store do not exist.

Other Matters

43. Speculation about why the Council's officer delegated report led to the previous refusal of retrospective planning permission for the store is not a matter for me, nor is the Council's decision that it was expedient to take enforcement action.

Planning Balance and Conclusion

44. The store conflicts with national planning policy to protect the openness and a purpose of the Green Belt and is at odds with commensurate objectives of the Council's LP. 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 store is unacceptable and ground (a) fails.

Ground (g)

45. There is no apparent agricultural holding and, in any event, no specific alternative arrangements have been explained that would need to be devised in that regard. There is little to suggest that finding somewhere else to keep the machinery would be unduly time-consuming, such as scarcity of suitable and available premises. Nor that moving the machinery would take an inordinate amount of time. There is also no apparent reason to suggest that works to remove the store would be overly complicated or need an excessive quantity of equipment or labour. It could also be removed piecemeal in much the same way as it has been erected.

46. There is, therefore, little to justify the appellant's request for at least 2 years. This would anyway be tantamount to an unwarranted grant of temporary planning permission. Such a disproportionate extension of time would perpetuate the harm caused by the breach of planning control as 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 but that would be a matter for the main parties, whereas the period set out in the notice must be sufficient to begin with.

47. Consequently, on the evidence before me, the six 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

48. 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