



Appeal Decisions

Site visit made on 6 January 2026

by **Peter White** BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal A Ref: APP/N0410/C/24/3357491

Land at Burnham Football Club, Wymers Wood Road, Burnham, Buckinghamshire SL1 8JG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr G Iljaz against an enforcement notice issued by Buckinghamshire Council.
 - The notice was issued on 8 November 2024.
 - 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 (sui generis) comprising of a football club and associated club-house, gym, nursery and a hand car wash with associated shared car park, and to facilitate the unauthorised mixed use, the siting of an office/storage hut and the erection of an open sided canopy.
 - The requirements of the notice are:
 1. Cease the use of the Land as a hand car wash;
 2. Remove the office/storage hut (shown in the approximate position labelled on the attached plan), from the Land;
 3. Dismantle and remove the open sided canopy (shown in the approximate position labelled on the attached plan), from the Land;
 4. Remove all paraphernalia that has been brought onto the Land in connection with the unauthorised use, from the Land;
 5. Remove all materials and debris resulting from complying with Steps 1 – 4 of this notice, from the Land.
 - The period for compliance with the requirements is: 6 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). 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 ("the DPA").
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Appeal B Ref: APP/N0410/W/24/3357488

Burnham Football Club, Wymers Wood Road, Burnham, Buckinghamshire SL1 8JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) ("the Act") against a refusal to grant planning permission.
- The appeal is made by Mr G Iljaz (Burnham Carwash) against the decision of Buckinghamshire Council.
- The application Ref is PL/21/4470/FA.
- The development proposed is: Part retrospective application for change of use of section of car park into hand car wash with relocated office/storage hut and additional car parking spaces.

Summary of decisions: Appeal A: The enforcement notice is quashed. Appeal B: The appeal is dismissed.

Appeal A

The Notice

1. Regulation 4 of The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 requires an enforcement Notice to specify the precise boundaries of the land to which the notice relates, whether by reference to a plan or otherwise.

2. Section 2 of the Notice specifies the Land to which the Notice relates as land at the football club shown edged by a thick black line on the plan attached to the Notice. That plan shows only part of the football club premises and the thick black line is discontinuous, being open ended at the eastern end.
3. Although the car wash has operated entirely within the area of land shown on the plan, the open ended boundary of the Land, together with reference to 'Land at' the football club site, means it is not clear how much, if any, of the land at the football club site not currently shown on the plan is subject to the Notice. In addition, part of the appellant's case on the appeal on ground (a)/the DPA relates to alternative parking provision across the football club site, but it is not clear whether all that land is part of the matters comprising the breach of planning control.
4. Failure to comply with the requirements of an enforcement notice is an offence, and an open ended plan suggests that additional land is included, without providing any certainty over how much, or which land, is subject to its requirements. That is a key concern in relation to requirement 1 in particular, which requires use of the Land as a car wash to cease.
5. The Council have been afforded an opportunity to provide a revised plan but have not done so. Although a plan is not a requirement of every Notice, the reference to 'Land at' the football club makes that necessary in this case for clarity.
6. Section 176 of the Act empowers the Secretary of State to correct any defect, error or misdescription, but only where no injustice occurs to the appellant or the Council. In this case, deletion of the plan along with references to the plan and the words 'Land at' from Section 2 of the Notice, would extend the area to which the Notice relates and would result in injustice to the appellant. The Notice is therefore invalid and cannot be corrected.
7. I also note that the alleged breach of planning control described in the Notice is the material change of use of the land without planning permission. But the appellant advises that use has continued following a grant of temporary planning permission. If that is the case, then the breach of planning control may be a breach of condition of that planning permission, rather than development without planning permission. Had I not found the Notice to be invalid and unable to be corrected, it may have been possible to correct the Notice in this respect.

Conclusion on Appeal A

8. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the land on which the breach of planning control is alleged to have taken place.
9. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act (as amended) since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.
10. In these circumstances, the appeal on the ground set out in section 174(2)(a) of the 1990 Act (as amended) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act (as amended) do not fall to be considered.

Appeal B

Preliminary matters

11. The application relates to the use of land for the operation of a car wash on part of the car park, and associated office/storage hut, canopy and acoustic barrier facilitating the use.
12. The appeal site is the entire Burnham Football Club site and those areas of the car park not taken up by structures associated with the car wash would continue to be used for access and parking in relation to the other uses of the land. The application therefore has implications for the use of the site as a whole and I have considered it on that basis accordingly.

Background and Main Issues

13. The appellant advises a temporary planning permission (13/01969/FUL) was granted for the car wash for its operation until 31 January 2015, but that it has operated continuously since 2013.
14. For operation of the car wash, an office/storage hut and canopy are, and are proposed to be, sited permanently on part of the car park. A noise assessment submitted with the application recommends an acoustic barrier also be installed.
15. The main issues are the effect of the development on:
 - The living conditions of neighbouring residents, by reason of noise; and
 - Highway safety and the free flow of traffic.

Living Conditions

16. The car wash operation takes place at the northern end of the car park, and near the northern end of the site, adjacent to a compound which the appellant advises contains equipment no longer required for management of the pitch.
17. Users would drive up to the relocated office/store building, in front of which a drain collects water arising from washing and jet washing. From there vehicles would turn into the bay under the canopy where two vacuum cleaners are housed in timber boxes. They then exit and leave via the eastern part of the car park.
18. The nearest dwelling is located 24m to 33m to the north on Willow Wood Close. Although its gable end has no windows facing the appeal site, windows on the front elevation of the dwelling are visible from the site, and particularly the washing area. A number of other dwellings on Willow Wood Close are also clearly visible from the car wash location. To the south, 2A Wymers Wood Road, and other dwellings, stand at the far end of the car park.
19. The appellant's Noise Impact Assessment ("NIA") considered operation of the car wash between the hours of 08:30-18:30. It found that, without mitigation, noise from vacuum cleaners was between 2.5 and 6.3dB above background levels at the nearest noise receptor to the north¹, 11.4dB above for the jet wash, and cumulatively 13dB above prevailing background levels. In relation to the jet wash and cumulative levels these amount to a significant adverse impact.

¹ The NIA identifies this property as 1 Willow Wood Close, but it appears to be No 4 Willow Wood Close.

20. The report recommends that a 3m high acoustic barrier be installed along and beyond the northern side of the canopy and along its eastern end. It concludes that doing so would reduce cumulative noise levels to 2dB above the prevailing background noise levels, resulting in no adverse impact.
21. The Council have raised a number of concerns in relation to the NIA, and on the Council's evidence, the effects of the car wash on the living conditions of neighbouring residents could be much greater. The appellant has not provided a technical response to the Council's comments, and I am therefore able to give less weight to the NIA report.
22. None of the plans before me show the 3m acoustic barrier recommended in the NIA. There is also some incompatibility between the plans, which show vehicles leaving from the eastern end of the canopy, and the NIA, which recommends the acoustic barrier run along that end, which would prevent vehicles from exiting that way. The appellant's appeal statement acknowledges, and relies on, the recommendations of the NIA, and the appellant advises the eastern element of the proposed barrier could be realigned, extending the northern element – but the acoustic effects of such a change have not been assessed, particularly in relation to dwellings to the north-east. The NIA also makes no assessment of the effects on residents to the south and whether the proposed acoustic barrier would increase noise impacts on them.
23. The appellant considers that concerns regarding noise could be overcome by a suitably worded condition, but I have not seen that evidenced and the appellant has not proposed such a condition. He also argues that noise was not a concern in relation to the previous temporary planning permission, but I have considered the effect of the development at the present time, with the information before me of the effect of its operation.
24. I note that the mixed use as a whole will also generate noise from other activities, but with the hours of operation of the car wash and the noise levels associated with its use, it will have greater effects than the day to day use of the car park and the less frequent use of the land for football matches.
25. In conclusion, the car wash element of the use harms the living conditions of neighbouring residents, by reason of noise. It therefore conflicts with Policy EP3 of the South Bucks District Local Plan 1999 Consolidated September 2007 and February 2011 (2011) ("LP"), which states permission will not be granted for uses which would be, or have the potential to be, detrimental to the amenities of nearby properties.

Highway Safety and the free flow of traffic

26. Buckinghamshire Council ("the Highway Authority"), and others, advise that the area experiences on street parking on the surrounding roads and around the Football club access point leading to the junction with Taplow Common Road, particularly on match and event days. Parking around the site access and the stretch of road leading up to the junction with Taplow Common Road causes obstruction to the free flow of the access and carriageway due to the reduction in visibility and lack of available space for two-way vehicle flow.

27. The structures associated with the car wash mean that some parts of the car park, amounting to twelve parking spaces, are no longer available for parking, which has the potential to exacerbate that situation.
28. The appellant proposes 3 additional parking spaces through the relocation of the car wash office/store building to the north, 12 spaces along the northern boundary, and 2 spaces in the central parking area. He also advises that use of the nursery play area for parking by match day officials, management and players would accommodate a further 11 spaces. The appellant therefore proposes a further 28 parking spaces, which it states would offset the loss of 12 from the car wash.
29. A further 3 spaces are also shown on the proposed plans, but planning permission PL/24/2544/OA was granted on 6 August 2025 ("the 2025 permission") for the residential development of the southern-most part of the car park, which includes the land for the 3 spaces. That area of land was fenced off at the time of my site visit and is no longer available for the parking of vehicles for the football club and its associated uses. Although the 2025 permission made additional provision for parking across the remainder of the land, it did not make provision for the car wash. Furthermore, on the basis of the plans before me, around 14 of the southern parking spaces shown are no longer available, but without the compensatory adjustments to the remaining area made by the 2025 planning permission.
30. The Council advises that condition 15 of planning permission 03/00934/FUL, for development of the current clubhouse, function room, hospitality suites, club room, changing facilities and stand, required 11 spaces on the boundary to be laid out and used only for parking. The area shown as accommodating around three of the proposed spaces is currently fenced off and contains redundant pumps and other equipment associated with maintenance of the grass pitch, before the current astroturf pitch was installed. The 2003 permission made use of that area for at least 7 spaces. With the evidence before me it is not clear when the loss of those spaces occurred, but it is likely that it occurred more than 10 years ago.
31. Another four of the appellant's additional twelve spaces on the northern boundary are already in use and reserved for football club management. Two others are already marked out and can be used currently as long as no cycles are parked and a wheeled bin is temporarily relocated. A further three are in use as a smoking shelter and outdoor seating area, which appear to have been placed at least partly over the painted lines of former parking spaces, and I have seen no proposals for relocating or removing these facilities elsewhere in a manner which would not result in the further loss of parking space. Therefore, of the twelve, only three would result in a net increase in parking, and even then, only if their earlier loss cannot be enforced against the 2003 planning permission.
32. The two additional spaces at the end of the central parking area may be proposed to be newly marked out, but it is likely that they are already used when the car park is otherwise at capacity. Alternatively, coach parking may occur in the manner shown on the 2003 or 2025 planning permissions, which is absent from the current plans but would prevent the use of the proposed spaces.
33. Access to the nursery is via a long and narrow gap between the brick boundary wall and the stand and club facilities building. It is difficult to see how this could be a suitable route for vehicles without conflict with pedestrians entering or leaving the stand, making use of the smoking shelter, or simply returning having parked their vehicles. One of the doors to the stand also has a large plinth extending into this

area and a bin was stored there at the time of my visit, each reducing its useable width. Even if some cars are parked in that area informally, now or in the future, it would not be a suitable area for formal parking.

34. The appellant's proposals for additional parking are therefore not likely to adequately compensate for the loss of the parking spaces arising from the car wash element of the use.
35. Nevertheless, the highway authority have not objected to the proposal subject to a s106 planning obligation to secure payment of a £15,000 developer contribution towards the public consultation and potential implementation of parking restrictions.
36. I note the highway authority's reasons for requiring an obligation and agree that it is necessary. It would ensure the highway impacts of development were mitigated by providing parking restrictions to prevent vehicles parking and obstructing existing visibility splays, particularly around the site access and Wymers Wood Road / Taplow Common Road junction.
37. I have found that the car wash element of the use reduces the number of parking spaces available on match and event days, and the contribution sought is directly related to the development proposed. Further pressure on parking in the surrounding area and on neighbouring streets arising from the use on match and event days is likely to exacerbate highway safety concerns and reduce the free flow of traffic.
38. It is also fairly and reasonably related in scale and kind to the development being proportionate to the scale of the development and required to mitigate its effects.
39. On the evidence before me, the need for the contribution sought by the highway authority therefore arises from the development and satisfies the 3 tests in Regulation 122(2) of the CIL Regulations 2010. No planning obligation to secure that contribution is before me and the proposal therefore fails to secure appropriate financial contributions.
40. In conclusion, loss of on-site parking arising from the car wash element of the use increases highway safety concerns and reduces the free flow of traffic in the surrounding area. The development therefore conflicts with LP Policies TR5 and TR7, which seek to prevent development which compromises the safe movement and free flow of traffic or the safe use of the road and requires parking provision to be made on the development site to prevent non-residential on-street parking in residential areas.

Conclusion on Appeal B

41. The development would harm the living conditions of neighbouring residents and reduce highway safety and the free flow of traffic. It conflicts with policies of the development plan, and there are no other material considerations that require a decision to be made other than in accordance with the development plan.
42. For the reasons given above the appeal should therefore be dismissed.

Formal decisions:

Appeal A:

43. The enforcement notice is quashed.

Appeal B:

44. The appeal is dismissed.

Peter White

INSPECTOR