



Appeal Decision

Site visit made on 09 February 2026

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date 18 February 2026

Appeal Ref: APP/X0415/C/24/3356283

**Land at Cherry Trees, Broombarn Lane, Great Missenden, Buckinghamshire
HP16 9JD**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Gareth Richard Claydon against an enforcement notice issued by Buckinghamshire Council - East Area (Chiltern).
- The notice was issued on 14 October 2024.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a front boundary treatment and gates.
- The requirements of the notice are to:
 - 1.) Remove the gates shown marked as a dotted line on the attached plan and shown circled in photo 1, or reduce the gates shown marked as a dotted line on the attached plan and shown circled in photo 1 to 1m in height and
 - 2.) Remove all materials and debris resulting from complying with step 1 of this Notice from the Land.
- The period for compliance with the requirement is 3 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.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a correction in the terms set out below in the formal decision.

The enforcement notice

1. An enforcement notice must inform the recipient with reasonable certainty what the breach of planning control is and what must be done to remedy it. If necessary, before determining the appeal, I have a duty to put the enforcement notice ("the Notice") in order. My powers under section 176(1)(a) of the Town and Country Planning Act 1990 as amended include to correct any defect, error or misdescription in the Notice. The only test is whether the correction would cause any injustice to the appellant or the local planning authority.
2. The dotted line on the plan attached to the Notice is a little vaguely drawn and the gates have not been fully circled in the photograph. While it is fairly clear what is meant, in the interests of clarity and certainty the wording of the first requirement should be corrected to say that the dotted line and circle identify rather than locate those matters targeted by the Notice.
3. The effect of the Notice would be the same and I am satisfied that the appellant has understood what the allegation means, therefore, no injustice would arise from this correction.

Main Issue

4. The appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have

considered the reasons for issuing the notice and the main issue is the effect of the breach of planning control on the character and appearance of the area.

Reasons

5. Cherry Trees is a large, detached dwelling on Broombar Lane. The dwellings on Broombar Lane predominantly comprise large properties which are set back from the lane within spacious plots. Broombar Lane is lined by hedges, grass verges and mature trees. Dwellings predominantly have field gate enclosures, and some display an open frontage. This, in combination with the absence of suburbanising features such as pavements or street lighting and the landscape setting afforded by the open field to the west gives the area a verdant, rural character.
6. The site is located in Prestwood's 'Green Suburban Roads' character area, which the Chiltern and South Bucks Townscape Character Study (2017) (TCS), defines as an area characterised by large, predominantly detached houses set in large plots arranged in a regular manner with a green, leafy character. As a high-quality, well-preserved example of this character area, the site forms part of the 'Broombar Lane to Martinsend Lane' Area of Special Character (ASC). The TCS identifies the use of hard boundary treatments as a threat in the ASC.
7. The breach of planning control alleged relates to boundary treatment to the front of Cherry Trees comprising a brick wall and piers and solid timber gates. The Council raised no objections to the piers and brick wall as they allow visibility through the site and similar features are found within the immediate vicinity. Based on my observations on site, I see no reason to take a different view. However, whilst the appellant states that the gates have been designed to reflect the character and palette of materials of the host dwelling, nonetheless, the height and solid timber form of the gates differ from enclosures in the immediate surroundings, appearing as an obvious, jarring, urban feature within the street scene which detracts from the established character and appearance of the area.
8. The site is located within the Chilterns National Landscape (NL), and I am required to seek to further the purpose of conserving and enhancing its natural beauty¹. With its verdant rural character Broombar Lane contributes positively to the area's attractive, tranquil, undulating rural landscape. As such, the lane's value is in its positive contribution to the overall landscape and the scenic beauty of the area. Given their form, height and materiality the gates appear incongruous within the site's rural surroundings, appearing at odds with the defining character of the area. Given this, the gates fail to conserve and enhance the natural beauty of the NL.
9. In support of the proposal the appellant references gates at Bowral House². However, on the basis of the evidence before me, it appears that these gates are not of a solid material and thus differ from the development subject of this appeal. My attention has also been drawn to an approval for a boundary wall and piers at Autumn House³, Martinsend Lane. Autumn House is located in the 'Grimms Hill to Bernards Close' ASC, in an area in which, like the 'Broombar Lane to Martinsend Lane' ASC, the TCS states the character is weakened in places by hard boundary treatments. The presence elsewhere of a form of development identified as being harmful to the character of the area does not justify further harm.

¹ Section 85 of the Countryside and Rights of Way Act 2000

² Application reference CH/2003/1904/FA

³ Application reference CH/2008/1236/FA

10. The development results in harm to the character and appearance of the area including the scenic beauty of the NL. It is therefore in conflict with those aims of policies GC1 and LSQ1 of The Chiltern District Local Plan (1997) and policies CS20 and CS22 of the Core Strategy for Chiltern District (2011) which seek to ensure that development relate well to the characteristics of the site, is of a high standard of design which reflects and respects the character of the surrounding area and which conserves and enhances the special landscape character and high scenic quality of the NL. I also find conflict with the Residential Extension and Householder Development Supplementary Planning Document (2013) which states that development should respond to local character and avoid unsympathetic designs.

Other considerations

11. The appellant states that the gates are required for security purposes in an area where it is stated security and crime issues have been identified by the police. A letter from Thames Valley Police regarding a burglary in the area is provided in support of this. However, whilst I do not doubt that this is a legitimate concern, I have not been presented with any compelling evidence of other security features that have been considered and I am not persuaded from the evidence before me that it is essential for the gates to be of such a height to provide the necessary deterrent.

Conclusion

12. For the reasons given above, the unauthorised development has a harmful effect on the character and appearance of the area including the NL. Therefore, I conclude that the appeal on ground (a) should not succeed.

Formal Decision

13. It is directed that the enforcement notice is corrected by:

At section 5 of the Notice, deleting “remove the gates shown marked as a dotted line on the attached plan and shown circled in photo 1, or reduce the gates shown marked as a dotted line on the attached plan and shown circled in photo 1” and replacing it with “remove the gates in the approximate position indicated by the dotted line on the attached plan and identified with the circle in photo 1, or reduce the gates shown in the approximate position indicated by the dotted line on the attached plan and identified with the circle in photo 1”.

14. Subject to the correction, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Town and Country Planning Act 1990 as amended.

N Robinson

INSPECTOR