



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: 9 March 2026

Appeal Ref: APP/X0415/C/24/3341531

Lodge Farm, Lodge Lane, Little Chalfont, Buckinghamshire HP8 4AH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Stephen Murphy against an enforcement notice issued by Buckinghamshire Council - East Area (Chiltern).
- The notice was issued on 06 February 2024.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a fence.
- The requirements of the notice are to: Remove the deer fence as shown on marked in thick black line on the attached plan¹ (the Unauthorised Development) from the Land; 2. Remove all materials and debris resulting from complying with step 1 of this Notice from the Land.
- The period for compliance with the requirements is: one month.
- The appeal is proceeding on the grounds 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 enforcement notice is quashed.

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. The enforcement notice (the Notice) refers to 'the erection of a fence' and the requirements of the Notice refer to the removal of 'the deer fence'. 'Deer fence' is undefined. I observed at my site visit a timber enclosure above which there was a netting/ artificial plant enclosure supported by timber posts, both at the approximate location marked in thick black line on the plan attached to the Notice. The difference in terminology in the allegation and the requirements makes it unclear whether the entire structure is alleged to be a breach of planning control, and whether all, or only part of it, is required to be removed. In light of the above, the Notice fails to provide the recipient with reasonable certainty as to what they have done and what they must do to remedy it. Consequently, the Notice is invalid.
2. If necessary, before determining the appeal, I have a duty to put 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. In doing so, the only test is whether the correction would cause any injustice to the appellant or the local planning authority. I have, therefore, considered whether I could correct the Notice. During the appeal I wrote to the main parties seeking views in connection with my above concerns regarding the drafting of the Notice and whether it could be corrected in the interests of clarity and certainty regarding what the breach of planning control is and what must be done to remedy it.

¹ Reference to an attached plan in this heading is reference to a plan attached to the enforcement notice.

3. Having sought the views of the parties, it would appear that the intention was to target only the upper part of the structure, being the posts, netting and artificial plants. It would be technically possible to correct the Notice to introduce the necessary certainty to clarify this. However, the appellant has prepared their case on the basis that the Notice attacks the whole of the fence (including the solid timber fence). Based on my concerns set out above that is a reasonable position to have taken. The appellant has not had the opportunity to make representations on the effect of a corrected breach, including whether an enclosure of the height of the solid timber fence would be sufficient to meet their needs. Having regard to the case made by the appellant, it is likely that, in response to a corrected allegation, they may have approached the appeal in a different way. Consequently, I cannot, therefore, correct the Notice without causing injustice to the appellant.
4. On that basis, the Notice is invalid and incapable of correction without causing injustice. It must, therefore, be quashed and the grounds of appeal do not fall to be considered.

Application for costs

5. An application for costs was made against Buckinghamshire Council - East Area (Chiltern) by Mr Stephen Murphy. This application is the subject of a separate decision.

Formal Decision

6. The enforcement notice is quashed.

N Robinson

INSPECTOR