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## Appeal Decision

Site visit made on 5 March 2026

by **Simon J Cater MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 April 2026

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**Appeal Ref: APP/K0425/W/25/3375695**

**Pollards Barn, Moreton Road, Kimblewick, Aylesbury, Bucks, HP17 8SX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr and Ms C and E Biswell and Cranston against the decision of Buckinghamshire Council
  - The application Ref is 25/06644/FUL.
  - The development is change of use of land to residential garden (in connection with on-going works associated with implementation and completion of 24/06192/PNP3Q (as amended by 24/07506/MINAMD)
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal is made in part retrospective. Boundary works have been carried out, including the erection of a post-and-rail fence and field gate. The post-and-rail fence extends beyond the appeal site boundary but within the appellant's wider ownership. At the time of my visit, the land was being used in connection with the conversion of the adjacent building approved under reference 24/06192/PNP3Q, as amended by 24/07506/MINAMD, including for storage and parking associated with construction activity. The appeal, however, relates to the proposed change of use of the land to residential garden, which has not yet taken place.

### Main Issue

3. The main issue is the effect of the use of the land as residential curtilage on the character and appearance of the countryside.

### Reasons

4. The appeal site lies to the west of Pollards Barn on the southern side of Moreton Road and comprises a small parcel of land in a rural location. The surrounding area is predominantly agricultural in character, with fields and paddocks enclosed by hedgerows and a dispersed pattern of development. A mature hedgerow along the northern boundary limits views of the land from Moreton Road.
5. The appeal relates to the change of use of land to residential garden in connection with the implementation of the approval at Pollards Barn<sup>1</sup>. The land is not "previously open" in the sense of being undeveloped, as it formerly accommodated

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<sup>1</sup> 24/06192/PNP3Q, as amended by 24/07506/MINAMD

a single-storey three-bay hay barn and a storage container with associated hardstanding for farm storage purposes. At the time of my visit, the appeal site was being used in connection with the conversion works, including for contractor parking and storage associated with construction activity.

6. A timber post-and-rail fence and field gate have been installed along the western boundary of the appeal site, following the red edge appeal boundary. From the information before me and my site visit, the fencing then continues beyond the application boundary into the appellant's wider landholding and extends westwards along the blue line shown on the submitted location plan. The historic Google Earth images submitted by the appellant illustrate the evolution of the site and the wider agricultural field pattern over time.
7. The surrounding landscape is characterised by agricultural land, with fields and paddocks forming the prevailing land pattern. These fields read as open in character by virtue of their agricultural use, while being subdivided and defined by long-established hedgerows and traditional agricultural boundary treatments. Development is sparse and generally limited to farmsteads and buildings associated with agricultural activity, with residential uses typically contained within clearly defined curtilages.
8. Although the appeal land previously accommodated an agricultural building and associated working areas, that former use was agricultural in character and purpose. The material change now proposed is to establish the land as a permanent residential garden. Residential curtilage has a different character from agricultural use and is typically accompanied by domestic activity and domestic features, together with incremental changes in how the land is laid out and used over time. In this countryside setting, that shift in function and perception would erode the agricultural character of the land and its contribution to the wider rural setting.
9. I have had regard to the appellant's evidence that the appeal site has, over time, displayed developed characteristics, including enclosure and areas of hardstanding/hoggin, and that it is physically and visually related to the building undergoing conversion, with views from Moreton Road filtered by the boundary hedgerow. The appellant also relies on historic aerial imagery to demonstrate that the land has been enclosed and used in association with agricultural operations for a number of years, and that elements of fencing have followed a consistent alignment. However, those characteristics and that historic built form were agricultural in nature and purpose and do not, of themselves, establish that the land is read as residential in character. When assessed in its countryside context and having regard to the established pattern of development, the land is experienced as part of the wider agricultural field and farming use, rather than as land associated with domestic activity. In these circumstances, the establishment of a permanent residential garden would introduce a domestic influence which, by its nature, would change how the land is perceived and experienced as part of the rural landscape, notwithstanding the degree of screening from Moreton Road.
10. I have considered whether conditions could mitigate the harm, for example by controlling boundary treatment, restricting structures or hardstanding, or requiring landscaping. However, as the Council explains, the essential domesticating effects of garden use, including moveable domestic items and incremental domestic change, would not be reasonably or effectively controlled by condition. In these

circumstances, the use of the appeal land as residential curtilage would harm the character and appearance of the countryside.

11. I have had regard to the Council's decision to grant planning permission for the change of use of adjoining land edged green under reference 25/06645/FUL, and to the reasons given for that approval. In that case, the land was found to follow an established boundary line, to have a long-standing separation from the wider agricultural field, and to be contained within the cluster of buildings and domestic activity at Pollards Farm. The use of that land as residential garden was therefore considered to complete a coherent arrangement of domestic use, without projecting further into the surrounding farmland. By contrast, although the appeal site previously accommodated an agricultural building, it has historically functioned as part of the wider agricultural field and has not been contained within the same established enclosure associated with the farmstead. The appeal site would extend residential use beyond the limits found acceptable in respect of the land edged green, resulting in a greater degree of encroachment into the countryside. Accordingly, the earlier approval does not indicate that the appeal site should also be used as residential curtilage.
12. Whilst I note the appellant's statement that the application attracted no objections from any party and positive support from the Parish Council. These matters are material considerations and have been taken into account; however, do not alter my overall conclusion.
13. For these reasons, the use of the appeal land as residential curtilage would result in the domestication of agricultural land and would harm the character and appearance of the countryside. The proposal is therefore contrary to Policies CP2 (Overall Spatial Strategy) and CP3 (Settlement Strategy) of the Wycombe District Local Plan (2019), which seek to direct development to appropriate locations and resist encroachment into the countryside, and to Policy CP9 (Sense of Place), which requires development to respond positively to its context and protect local character. It would also conflict with Policies DM32 (Landscape Character and Settlement Patterns) and DM35 (Placemaking and Design Quality), which seek to conserve landscape character and ensure development respects its rural setting, and with Policy DM44 (Development in the Countryside Outside of the Green Belt), which strictly controls development in the open countryside.
14. I have also had regard to the Great and Little Kimble-cum-Marsh Neighbourhood Plan, which forms part of the statutory development plan. Its policies seek to maintain the rural character of the Parish and to resist inappropriate development outside defined settlement boundaries. For the reasons set out above, the proposed use of the appeal land as residential curtilage would introduce a domestic influence into the countryside and would not accord with those objectives. The proposal is therefore also inconsistent with the Neighbourhood Plan, although this does not alter my overall conclusion.

## **Conclusion**

15. For the reasons given above, I find that the proposed change of use would harm the character and appearance of the countryside and conflicts with Policies CP2, CP3, CP9, DM32, DM35 and DM44 of the Wycombe District Local Plan (2019). The appeal is dismissed.

*Simon J Cater*

INSPECTOR