



Appeal Decision

Site visit made on 14 April 2026

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

an Inspector appointed by the Secretary of State

Decision date: 20 April 2026

Appeal Ref: APP/K0425/C/24/3341132

Land at The Old Dairy, Chapel Hill, Speen, Buckinghamshire HP27 0SP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr George Gordon Harvey Walden against an enforcement notice issued by Buckinghamshire Council.
- The notice was issued on 7 February 2024.
- The breach of planning control as alleged in the notice is:
Without planning permission, the erection of single storey rear extensions.
- The requirements of the notice are:
 1. Demolish and remove the rear and side extensions as shown in the approximate position hatched on the attached plan and circled by the black lines on photo 1.
 2. Remove from the land) all materials and debris resulting from complying with Step 1 of this notice.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (d), (f) and (g) 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 ("the DPA") under section 177(5) of the Act.

Summary of decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matters

1. The development relates to extensions at the rear of the former garage and to its side and rear. The appellant refers to them as Extension A and Extension B, and I have used the same terminology.
2. The appeal form stated that the appeal was made on grounds (a), (b), (f) and (g), but the appellant's appeal statement also included an appeal on ground (d). The Council's statement responded to all five grounds argued by the appellant, and I have therefore also considered the appellant's appeal on ground (d).
3. Since statements were submitted the appellant has gained a Certificate of Lawfulness ("LDC"), for a proposed garden room with facing brick walls under a clay tile pitched roof. This is a matter I consider in relation to the appeal on ground (a)/the DPA.
4. The parties have been afforded opportunity to comment on changes made to the National Planning Policy Framework ("the Framework") and the Planning Practice Guidance ("the PPG") since statements were submitted.

The appeal on ground (b)

5. Appeals on ground (b) are made on the basis that the matters stated in the Notice, as constituting the breach of planning control, have not occurred.

6. In relation to Extension A, the appellant's case is that there was a pre-existing lean-to structure, and that Extension A was not wholly constructed from new, but rather, comprised the original structure with extensions to each side.
7. The plans before me show the smaller, single-skinned 'store' structure stood wholly within the broader Extension A. They also show the removal of its side, rear and front walls and the erection of new cavity walls and bi-fold doors. In addition, they show the absence of any wall between the former garage and the extension, such that it becomes a single room, and 1m deep x 600mm wide foundations indicate that much of the original floor has been removed. The plans show the specification and structure of the roof, which makes no reference to any retained former elements, and appears uniform in design and specification of the timbers. Therefore, although a smaller structure once stood on part of the footprint of Extension A, the evidence is that little or nothing of that structure remains.
8. In relation to Extension B, the appellant claims that a pre-existing flank wall has been retained in the construction of the building. That was evident at my site visit but does not mean that an extension has not been constructed.
9. Both extensions are single storey structures and Extension A is clearly located to the rear of the dwelling. Extension B extends beyond the rear of the dwelling, but projects from its side elevation.
10. The erection of single storey rear extensions has therefore occurred but, for clarity, Section 3 of the Notice should refer to rear 'and side' extensions. No injustice would occur to either party were I to make that correction.
11. The appeal on ground (b) therefore succeeds to that limited extent.

The appeal on ground (d)

12. Appeals on ground (d) are made on the basis that, on the date the Notice was issued, no enforcement action could be taken in respect of the breach of planning control.
13. In relation to Extension A, the appellant's case relies on the same premise as that argued on ground (b). That is, that the former store had been in situ for more than 4 years, and that side extensions have been added to the earlier structure. But having concluded that, at the very least, all the external works of Extension A are new, and none of the original structure remains above ground level, that argument is without merit.
14. In relation to Extension B, it is the extension which is at issue, not the erection of the pre-existing wall, even though that wall was later incorporated into the erection of an extension.
15. The matters against which enforcement action were taken are the erection of extensions, and the appellant does not argue that they were substantially completed more than 4 years ago. Neither has the appellant provided any evidence of the date on which the development was substantially completed. On the balance of probabilities, enforcement action could be taken in respect of the breach of planning control.
16. The appeal on ground (d) therefore fails.

The appeal on ground (a) / the DPA

17. Appeals on ground (a) are made on the basis that planning permission ought to be granted for the matters stated in the Notice as constituting the breach of planning control.

Main Issues

18. The Land is located within the Green Belt.
19. It is also within the Speen Conservation Area (“SCA”) and adjacent to the Grade II Listed Building Rosebank Cottage (“LB”). No party considers the development to be harmful to the SCA or the setting of the LB, and neither do I find harm to heritage assets or their settings. As that is agreed by all parties, I have set out my reasoning on heritage matters in ‘Other Matters’ below.
20. The main issues are therefore:
- Whether the development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (“the Framework”) and relevant development plan policies.
 - The effect of the development on the openness of the Green Belt.
 - If it is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Whether inappropriate development

21. The Framework makes clear that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and permanence.
22. Neither party has advised that Speen is identified as a built-up village on the Local Plan policies map, or that a Neighbourhood Plan has been made for Speen. In these circumstances, the Framework and Wycombe District Local Plan (2019) (“WDLP”) Policy DM42, which relates to managing development in the Green Belt, describe development in the Green Belt as inappropriate, except where specific exceptions apply.
23. One such exception, in paragraph 154(c) of the Framework, is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The relevant parts of WDLP Policy DM43, which relates to the replacement or extension of dwellings in the green belt, sets out specific volumetric criteria for making such assessments. In this case, that is the volume of the original building plus 50%.
24. The parties agree that the original building had a volume of 287.3 cubic metres, and that prior to the development before me its volume was 756.1 cubic metres. That amounts to substantial enlargement of the dwelling, far exceeding the expansion permitted by WDLP Policy DM43. The development of the rear and side extensions is therefore inappropriate development.

25. The appellant describes the pattern of development as a general ribbon of development which follows a linear arrangement on both sides of the road. But the general pattern of development is development at depth, being several dwellings deep on all sides. The dwelling is also significantly set back from the road compared to most buildings in the area and reads as a large dwelling in spacious grounds. Although there is a degree of alignment with dwellings either side, this pattern of development is not ribbon development, and does not amount to a substantially built-up frontage. The exception in WDLP Policy DM43(c) therefore does not apply.
26. Together, the Framework and WDLP Policy DM42 make clear that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Whether or not that is the case is considered below in relation to Other Considerations.

Openness

27. Spatially, accounting for the volume of the pre-existing store, Extension A resulted in a modest additional increase in the volume of built development on the Land. Extension B is larger and more significantly reduced spatial openness in addition to the already substantially extended building.
28. Visually, Extension A makes little noticeable difference to openness. Extension B infills a small area between Extension A and the flank boundary of the site and is more prominent. But neither are readily visible from any public vantage point or neighbouring garden on account of established evergreen foliage along each boundary of the rear garden.
29. As a whole, the development, and particularly Extension B, therefore reduces the openness of the Green Belt further, and this harm is weighed with other considerations below.

Other considerations

Personal circumstances

30. The appellant advises that Extension A was required to meet his need for an on-site carer for him and his wife on account of age and health conditions. The appellant and his wife are in their mid to late 80s, but no specific information has been provided in relation to health, except that neither now drive.
31. I have therefore had regard to the Public Sector Equality Duty set out under the Equality Act 2010 in terms of eliminating discrimination against persons with the protected characteristic of age, advancing equality of opportunity for those persons and fostering good relations between them and others.
32. Extension A extended a former garage of around 5m x 5.5m, providing approximately 2m in additional length. The extended garage has been converted into living accommodation to be used by a carer following determination of the appeal. Without the extended part (Extension A) the living/bedroom area would be around 3.5m x 5m, with a separate kitchen and shower room. Although the room at its current size would be more comfortable, I have seen no evidence that it could not be used by a carer without the extension.

33. The appellant's submissions stated that Extension B would be used as a home office and store, but by the time of my site visit it was in use solely as a garden store. But the LDC for a building around 20m from the house demonstrates that alternative provision could be made for a home office and/or store in the form of a detached outbuilding elsewhere in the rear garden.
34. Were the appellant able to retain Extension A that would facilitate occupation by carers without the delay arising from the requirements of the Notice to remove the extension and make good the rear wall. With the information before me, the appellant's personal circumstances therefore carry moderate weight in relation to Extension A, to be weighed below in relation to whether very special circumstances exist.

The fallback position

35. The LDC demonstrates that a detached outbuilding of a similar volume to the extensions could have been erected as 'permitted development' on 30 April 2024. I am aware of no material changes since that date that would result in the need for express planning permission for such a development at the present time. The appellant's fallback position is therefore that a building of a similar volume could be erected in any case, in the garden. His case is that doing so would be more harmful to the openness of the green belt than retention of the extensions to the dwelling.
36. In relation to the spatial dimension of openness, there would be little difference between the extensions and a detached outbuilding. In relation to the visual dimension, although the land falls to a lower level on one side, there would be greater visibility of an outbuilding in the rear garden from the upper floors of neighbouring dwellings. That is particularly so as Extension A is visible from very few neighbouring properties, and Extension B is lower than the boundary hedge and, at most, seen only at an obtuse angle from any vantage point.
37. However, an outbuilding, and potentially other development within the rear garden, could be constructed as 'permitted development' whether or not the extensions were removed unless the ability to do so is restricted by planning condition. The appellant's fallback position therefore only carries material weight if a planning condition is imposed limiting the erection of outbuildings in future.
38. With the imposition of such a condition on any planning permission granted, the appellant's fallback position carries very substantial weight, as it would remove the prospect of potentially greater and more harmful development occurring in future. Neither party have objected to such a condition were I to impose one.

Whether very special circumstances exist

39. Very Special Circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
40. The extensions are inappropriate development in the Green Belt, which is by definition harmful, and the development also harms its openness. Together this harm attracts substantial weight against the development, in accordance with paragraph 153 of the Framework.
41. However, the appellant's fallback position attracts very substantial weight, subject to the removal of 'permitted development' rights for the erection of outbuildings.

And the benefits to the appellant in providing timely accommodation for a carer carries moderate weight.

42. The other considerations in favour of the development therefore clearly outweigh the harm to openness and other harms, and very special circumstances therefore exist.
43. Although the development conflicts with WDLP Policy CP8, which seeks to protect the Green Belt from inappropriate development, it accords with WDLP Policy DM42, which is described above and does not require inappropriate development to be refused where there are very special circumstances.

Other Matters

44. Under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have statutory duties to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
45. The special interest of the Speen Conservation Area ("SCA") is described in the SCA Appraisal 2010 as the central section of the village with a mix of 17th to 19th century buildings, mainly brick built, which tend to lie to the front of the plots, with local characteristic trees and high front boundaries which shield them from casual view.
46. Although somewhat apart from the core of the SCA, the appeal site and its neighbours are part of an attractive area with 18th and 19th century origins where historic enclosure boundaries still follow parts of their plots today. Milk was once delivered from the appeal site, which is now known as The Old Dairy.
47. No party considers the extensions have harmed the character or appearance of the SCA, its special interest, or its significance, and I agree.
48. The adjacent Rosebank Cottage is a Grade II Listed Building dating from 1794, which is of historic and architectural significance. The single storey extensions before me preserve its setting and do not harm its features of special architectural and historic interest.
49. These matters are therefore neutral in the planning balance, and there would be no conflict with my statutory duties were I to allow the appeals and grant planning permission.

Conditions

50. The development is only acceptable if permitted development rights for buildings or enclosures is not exercised in the future. It is therefore necessary to impose a condition to withdraw those rights and that is a reasonable alternative to dismissal of the appeal.

Conclusion on ground (a)

51. Although there is some conflict with WDLP Policy CP8, the development accords with the development plan read as a whole, and planning permission should be granted subject to a condition.

52. The appeal on ground (a) therefore succeeds.

Conclusion

53. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice as corrected. The enforcement notice will be corrected and quashed.

54. In these circumstances the appeals on grounds (f) and (g) do not fall to be considered.

Formal Decision

55. It is directed that the enforcement notice is corrected by the insertion of the words "and side" before the word 'extensions' in Section 3 of the Notice.

56. Subject to the correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of single storey rear and side extensions at The Old Dairy, Chapel Hill, Speen, Buckinghamshire HP27 0SP as shown on the plan attached to the notice and subject to the following condition:

- 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure permitted by virtue of Class E of Part 1 of Schedule 2 to the Order shall be undertaken.

Peter White

INSPECTOR