



Appeal Decisions

Site visit made on 2 March 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 27 April 2026

Hideaway, Quarry Wood, Bisham, Marlow SL7 1RF

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
 - The appeals are made by Mrs B Cullen-Kerridge against enforcement notices issued by the Council of the Royal Borough of Windsor and Maidenhead.
 - The notices were issued on 26 October 2023.
-

Appeal A Ref: APP/T0355/C/23/3334138

- The breach of planning control as alleged in the notice is without planning permission, the erection of a carport and fencing.
- The requirements of the notice are to:
 - i. Demolish the carport and fencing as shown in the images marked BB1.
 - ii. Remove all resultant materials from the land arising from the demolition works.
- The period for compliance with the requirements is: within 2 calendar months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Act.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

Appeal B Ref: APP/T0355/C/23/3334139

- The breach of planning control as alleged in the notice is without planning permission, the erection of vehicular gates and associated fencing.
- The requirement of the notice is to:
 - i. Dismantle the gates and fencing as shown in the images marked BB1.
- The period for compliance with the requirement is: within 2 calendar months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Act. 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, the enforcement notice is upheld and planning permission is refused.

Preliminary Matters

1. There are two appeals by the same appellant about the same property, but for different development on separate parts of it. There is little before me to support the appellant's claim that the Council's concerns are primarily in relation to the breach of planning control in the Appeal A notice, or simply cumulative with the breach of planning control in the Appeal B notice. In Appeal B, which includes ground (a), there are two gates and the fencing is in two sections, so I could consider a split decision. There is no ground (a) in Appeal A so planning merits are not relevant in that case.
2. Where relevant, I have taken account of comments made by the main parties on the revised National Planning Policy Framework published in December 2024, which was amended by corrections and clarifications in February 2025 (NPPF).

Appeal B on ground (a)

Main Issues

3. Ground (a) is that planning permission ought to be granted for the erection of vehicular gates (the gates) and associated fencing (the fencing) at Hideaway. The main issues are:
- whether the gates or fencing is inappropriate development in the Green Belt, having regard to the NPPF and relevant development plan policy;
 - the effect of the gates or fencing on the openness and purposes of the Green Belt;
 - whether the gates or fencing protect people and property from flooding;
 - the effect of the gates or fencing on the character or appearance of the area, including this stretch of the River Thames; and
 - whether other considerations clearly outweigh any harm to the Green Belt and any other harm, so as to amount to very special circumstances.

Reasons

Whether inappropriate development

4. NPPF paragraph 154 sets out that development in the Green Belt is inappropriate unless one of the exceptions therein applies. The appellant refers to the exception at 154(h)(ii) for engineering operations, which is subject to the proviso that the engineering operations must preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
5. Engineering operations include the formation or laying out of means of access to highways¹. It is also usually regarded that engineering operations tend to include works which change the physical nature of the land itself, such as a hardstanding.
6. I have not been informed that the gates and fencing were necessary or part of works to form (bring into existence) a means of access at Hideaway where there was none before. The planning and enforcement history refers to an 'altered access'. However, there is little to suggest, including as I saw at my site visit, that the gates and fencing are integral to the laying out (construction) of an altered access or have significantly changed innate, underlying characteristics of the land in the normal expected manner of engineering operations.
7. Consequently, the appellant has not demonstrated that the gates and fencing involved engineering operations, so the exception at NPPF paragraph 154(h)(ii) does not apply for this reason alone.
8. As with similar boundary means of enclosure at residential properties, there is then little to counter that the gates and fencing are development by building operations², with 'building' defined as including any structure or erection³. The appellant has not suggested an exception for development of this sort in the Green Belt.

¹ Section 336 of the Act

² Section 55(1) of the Act

³ Section 336 of the Act

9. I therefore find that the vehicular gates and associated fencing is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; these will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations⁴.

Effect on openness and purposes of the Green Belt

10. NPPF paragraph 142 includes the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open and that openness is an essential characteristic of the Green Belt. NPPF Paragraph 143 sets out five purposes of the Green Belt.
11. It is not disputed that the gates and fencing have been erected on a previously undeveloped part of the land. In the absence of evidence to the contrary, I take this to mean without any, or any comparable means of enclosure along all or part of the entrance to Hideaway and this part of the property boundary. On this basis, this part of the Green Belt is no longer open in any equivalent or comparative sense than it was and this part of the countryside is now correspondingly more built-up.
12. However, whether harm is caused to the openness or purposes of the Green Belt by this change is a matter of judgement, considering factors such as the spatial or visual implications of this development, its scale, purpose, duration and locational context.
13. One gate is wider and slides while the other is narrower and hinged. Sturdy stacked horizontal black timber planks set in robust black metal frames and posts form essentially solid panels with small gaps, about 2m high. When closed the gates stretch some 5 to 6m across the entrance to Hideaway, next to a single-track lane. The fencing is either side of the gates on this same boundary, some 4 to 5m on one side and about 2m on the other side and similar in construction, materials, colour and height as the gates.
14. Though narrow in section, the overall size and form of the gates and fencing mean that individually and collectively these structures have evident intrinsic visual and physical presence in this immediate part of the Green Belt and the countryside. Also, while not permanent structures they could endure for many years. However, while robust, they are domestic in scale and, albeit along an edge, form part of a residential property, near some other houses. This part of the Green Belt and countryside is not entirely free from built development and boundary treatments such as gates and fencing are an expected, integral part of residential properties which happen to be located in these areas, including Hideaway.
15. Consequently, also compared to the still mainly undeveloped nature of this part of the Green Belt and the countryside and in the context of the extent of the Green Belt and the countryside overall, the vehicular gates and associated fencing have little adverse impact on the openness of the Green Belt. Furthermore, these structures do not encroach into the countryside, beyond the already built-up residential confines of Hideaway, so there is little conflict with purpose (a) of the Green Belt. No other purpose is offended.

⁴ NPPF paragraph 153

16. I therefore find that the change in this case due to the vehicular gates and associated fencing does not result in any significant urban sprawl, openness is largely preserved and there is limited conflict with the purposes of the Green Belt. Accordingly, there is negligible harm to the Green Belt.

Flooding

17. The land at Hideaway is in Flood Zone 2 so there is a medium annual probability of flooding. The NPPF and relevant Planning Practice Guidance (PPG) set out that Flood risk is a combination of the probability and potential consequences of flooding from all sources. Furthermore, that while minor development (such as the gates and fencing) is unlikely to raise significant flood risk issues, any development which is necessary in this Flood Zone (in the sense that this is where Hideaway is located) should not increase flood risk elsewhere (dwellinghouses are more vulnerable to flood risk⁵ and the lane is a potential means of safe access or escape for occupiers). In addition, development which could affect drainage on or around a site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, proportionate to the nature and scale of the proposal.
18. These factors need to be demonstrated by a site specific flood risk assessment (SSFRA)⁶, as was also requested by the Environment Agency in this case.
19. I accept that the gates and fencing is not development that is itself vulnerable to flooding and neither is a 'fully impermeable' barrier, such as because of the gaps between the planks or under the sliding gate. There is also little to suggest other than that these structures are inherently flood resistant and resilient in terms of materials and method of construction, so could be quickly brought back into use without significant refurbishment.
20. However, even if the gates and fencing only result in a 'slight' restriction on floodwater flow, as the appellant claims, it is not clear what sources of flooding have been considered in this regard, such as from rivers, groundwater or surface water run-off. There is also little objective evidence about the effect of these structures on flood water flow rate or direction from any source, including their presence and influence, if any, in relation to the more elevated land at Hideaway immediately behind them. This then also undermines whether or not a suitable sustainable drainage system would be appropriate or if any residual risk could be safely managed, including to maintain safe access and escape routes.
21. I appreciate that a SSFRA can be proportionate to the degree of flood risk and appropriate to the scale, nature and location of the development. Also, that for minor development a pragmatic approach with simple assessment might be sufficient. But as a minimum, the SSFRA needs to show that the development will be safe for its users without increasing flood risk elsewhere and be sufficiently flood resistant and resilient to the level and nature of the flood risk⁷.
22. Consequently, important omissions in these regards and otherwise largely cursory or speculative assertions do not address all of NPPF paragraph 181 criteria (a) to (e). These are broadly consistent with equivalent relevant provisions of Policy NR1 of the Council's Borough Local Plan, February 2022 (BLP). Requisite details in

⁵ NPPF Annex 3

⁶ NPPF paragraph 176, footnotes 62 and 63

⁷ PPG paragraphs 021 and 051

these regards are relevant to an in principle decision to grant planning permission, so cannot be left to a condition.

23. I am not, therefore, satisfied the appellant has shown that the vehicular gates and associated fencing would protect people and property from flooding so avoid harm in these regards. In these circumstances, the gates and fencing are contrary to BLP Policy NR1. It includes that development should not impede flood water flow, increase the number of people or properties at risk of flooding, cause or exacerbate flooding on the site or elsewhere having regard to flood risk from all sources and incorporate sustainable drainage systems to restrict or reduce surface water runoff with safe access and egress.

Character and appearance, including the River Thames

24. Hideaway is at one end of a short row of reasonably large, detached houses of varied age or design, set in extensive landscaped plots in this part of the countryside. They follow the lower contours of a wooded scarp slope, parallel to a stretch of the River Thames set back behind the intervening lane, elevated above a flatter riverbank margin which forms part of these properties and includes some smaller outbuildings on it. The lane is mostly lined either side by tall, intermittent trees or shrubs and some more continuous low hedgerow. Overall, this gives a soft, verdant feel and mainly open aspect between the houses behind the lane and the river in front and, with the outbuildings, are the main evident built form.
25. This mostly undeveloped part of the river setting is within a section of the River Thames Corridor (RTC), designated by the Council to recognise the distinctive water frontage and cultural significance of this river, including the quality of buildings, spaces, landscape and views along it.
26. This part of the lane, including the land at Hideaway, therefore makes an important positive contribution to the character and appearance of the area in these regards, including this stretch of the River Thames.
27. However, some boundary means of enclosure, along both sides of the lane, are formed by brick walls and piers, concrete edgings, timber fencing, metal railings and some concrete posts. As a result, materials such as timber or metal are not intrinsically alien, unsympathetic or out of keeping in the lane per se. Though mostly low and in the main not overly long (apart from some domestic fencing panels) or prevailing features, these structures are urban in nature. Some recede upwards, away from the lane edge to terrace the slope, including at Hideaway.
28. As the lane passes the land either side of it at Hideaway, it is generally bordered by more shrubs and trees or taller hedgerow, with a greater density or depth of planting, including because the riverbank in front of Hideaway is much wider as the river meanders around a bend. This house is also close to the lane edge and stretches alongside it, sideways on, with abrupt scale and massing. A shallow S-bend at this point means that the gates and fencing are not really apparent or seen at the same instant or context of the lane beyond in either direction or much of the other development and boundary features along it. This part of the lane next to Hideaway is as a result notably more discrete, with a greater sense of containment and seclusion as well as detachment in relation to the river.
29. In pleasant contrast to the other houses, Hideaway has a distinctly contemporary architectural look, with box-like form and strong overall horizontal emphasis next to

the lane and an attractive individual presence in relation to the river. This includes extensive flat roofs, black horizontal timber clad elevations with black framed fenestration in two stepped, asymmetric upper floors and outdoor roof top amenity space enclosed by long, low black metal railings, set over a mainly white rendered ground floor including integral garaging. The gates and fencing are also inherently well-designed and executed structures, including in quality of materials, and with an angular, horizontal emphasis, black timber and metal finishes, do not jar in close proximity to the house. The nearby boathouse outbuilding at Hideaway, as well as the carport and fencing in Appeal A, all exhibit similar design, materials and colours which results in a cogent, cohesive arrangement of complementary built form.

30. Consequently, although taller and 'harder' than much of the means of enclosure along the lane and stretching in all over some 10m along it, the gates and fencing are only on one side (furthest from the river) and not unduly intrusive. Nor do these structures negatively impact on the setting of this part and side of the RTC. While planting is not necessarily for the long term, in this case it is not a means to hide unacceptable development. Even if the carport and fencing in Appeal A were also altered or removed, the gates and fencing would not be out of keeping in this part of the streetscene or negatively impact on the setting of this part of the river.
31. I find that the vehicular gates and associated fencing cause no harm to the character or appearance of the area, including this stretch of the River Thames. Accordingly, the development is not contrary to BLP Policies QP3 or QP4. These include that development should respect the local character of the environment with regard to layout, height, scale, proportions, enclosure and materials. Additionally, in the RTC, it should conserve and complement the special character of the river setting and protect important public views, including by high quality design.

Other considerations

32. It is common ground that the appellant and her husband are locally and nationally well-known personalities in their respective professions. Given undisputed evidence of previous trespass and intimidating behaviour towards them at Hideaway, I have no reason to doubt there is unwelcome public attention and for as long as they reside here. The Council maintains that other measures could be taken to address actual or perceived personal and property security or privacy concerns but has not suggested any, including as might provide the same or similar visual or physical deterrent at the entrance to Hideaway as do the gates and fencing.
33. Permitted development rights would allow the erection of new gates or fencing at Hideaway, similar in materials and construction, 1m high above ground level in the same position next to the lane or even a more impermeable wall. But a boundary means of enclosure of this sort would evidently not achieve the appellant's ambitions for privacy and security – said to be 'not possible' because 'someone could easily climb over' lower gates and fencing 'invalidating their purpose'. There is, therefore, little apparent realistic prospect of this fallback position.
34. The effect of such new comparable permitted development for flood risk might be similar, the same or worse as the gates and fencing, including if these existing structures were reduced in height to 1m (albeit still unlawful development⁸). But this has not been demonstrated either way.

⁸ The General Permitted Development Order does not grant retrospective planning permission, so even if reduced in height to 1m the gates and fencing would not be permitted development because they were erected unlawfully in excess of 1m to begin with.

Green Belt balance

35. As required by the NPPF, I give substantial weight to intrinsic harm to the Green Belt by virtue of the gates and fencing as inappropriate development and the negligible harm for reasons of openness and purposes of the Green Belt. The potential adverse impacts of flooding should be avoided to prevent harm, so this matter carries significant weight.
36. There is no harm to the character or appearance of the area, including this stretch of the River Thames. The absence of harm in this regard is a neutral factor in my decision.
37. The appellant's personal circumstances are important private benefits and irrespective of who occupies Hideaway, the need for the gates and fencing align with objectives of the NPPF for reasons of residential amenity, well-being, safety and fear of crime. These considerations have significant weight in support of the appeal. There is little likelihood of similar but much lower gates or fencing and the outcome of such development in terms flood risk is unknown, so these considerations carry little weight.
38. In this appeal, the other considerations do not, therefore, individually or collectively clearly outweigh the totality of harm. Accordingly, the very special circumstances necessary to justify the gates and fencing do not exist.
39. In these circumstances, the gates and fencing are at odds with the relevant provisions of the NPPF for the Green Belt outlined earlier. BLP Policy QP5 includes that national Green Belt policy will be applied to protect the Green Belt from inappropriate development, which will not be granted planning permission unless very special circumstances are demonstrated. These aspects of BLP Policy QP5 are essentially consistent with the equivalent provisions of the NPPF. The gates and fences are contrary to these provisions of the development plan.

Planning balance and conclusion

40. There are no other considerations to indicate that ground (a) should be determined otherwise than in accordance with the development plan taken as a whole⁹. Consequently, for the reasons given above, the gates and fencing are unacceptable and planning permission should not be granted for them.
41. On this basis a split decision is not warranted and, for the reasons outlined above, Appeal B on ground (a) fails.

Appeals A and B on ground (f)

42. In Appeal A, the appellant provided plans of a significantly revised design for the carport and fencing. These show one end bay of the carport removed, to reduce the footprint and overall size of this structure, and remaining fixed roof replaced by a retractable fabric canopy. In addition, the fencing reduced in height to 1m next to the lane with planting in containers along the inside face. Amongst other things, it is claimed that these changes would remedy the harm identified by the Council.
43. In Appeal B, the appellant refers to 'potential for minor modifications to the gates and fencing rather than their complete removal'. No plans have been provided in

⁹ Section 38(6) – Planning and Compulsory Purchase Act 2004, as amended

this regard or explanation beyond what the appellant set out in support of ground (a), which I have already considered, including the harm identified by the Council.

44. The amenity considerations set out in the Council's objections to the respective development relate to its reasons for issuing each notice and why it considered it was expedient to take enforcement action. It is clear from the operational development set out in section 2 of each notice (erection of a carport and fencing and erection of vehicular gates and associated fencing) and requirement i. in section 4 of each notice (to demolish the carport and fencing and to dismantle the gates and fencing) that the purpose of each notice is to remedy the respective breach of planning control. Nor does the Council seek to under enforce.
45. Furthermore, in Appeal A, even if this alternative scheme was at less cost and disruption to the appellant, there is no ground (a) deemed planning application before me for a carport or fencing. In these circumstances, consistent with relevant caselaw, ground (f) cannot be used to consider planning merits or vary the requirements of the notice as a means to effectively grant planning permission for this alternative scheme.
46. The appellant submitted little else for ground (f) in either appeal, including no other scheme or lesser steps.
47. I am, therefore, satisfied that the steps required by the notices to be taken are consistent with remedying the breaches of planning control, so are proportionate and not excessive. For these reasons, Appeals A and B on ground (f) fail.

Appeals A and B on ground (g)

48. The carport and fencing in Appeal A and the gates and fencing in Appeal B are quite large, assembled structures but relatively simple in design, materials and construction. There is little to suggest that demolition or dismantling in sections or pieces and removing all resultant materials, would be unusually difficult, require many workers or need specialist equipment or machinery and even if the structures in each appeal were removed at the same time.
49. While the appellant has had a reasonable expectation of success in Appeal A and Appeal B, there is no apparent reason why finding a suitable contractor to undertake this routine work would now take an inordinate amount of time. Nor that it could not then be completed within a 2 month period, which is the period for compliance in these regards specified in each notice.
50. I am mindful that planning enforcement should be remedial, not punitive. However, the 6 month period sought by the appellant to comply with the requirements of each notice, which is the matter in hand in ground (g), is therefore an unjustified, disproportionate extension of time.
51. I appreciate that the appellant has sought to resolve the breaches of planning control with the Council, including submitting a retrospective planning application (albeit withdrawn) then seeking pre-application advice. I also note that the Council remains receptive to such engagement, including the possibility of a revised scheme(s) and potentially the prospect of a further planning application(s). It has discretion under section 173A(1)(b) of the Act to extend the period for compliance and this would be a matter for the parties, whereas the period in the notice must be sufficient to begin with in respect of the requirements.

52. Consequently, 2 calendar months to take the steps required by each notice does not fall short of what should be reasonably allowed. For these reasons, Appeals A and B on ground (g) fail.

Formal Decisions

53. Appeal A and Appeal B are both dismissed and each enforcement notice is upheld. In Appeal B planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan

INSPECTOR