



Appeal Decisions

Site visit made on 10 March 2026

by **Paul Dignan MSc PhD**

an Inspector appointed by the Secretary of State

Decision date: 5th May 2026

Appeal A Ref: APP/N0410/C/23/3335784

Appeal B Ref: APP/N0410/C/23/3335785

Appeal C Ref: APP/N0410/C/23/3335786

Appeal D Ref: APP/N0410/C/23/3335787

Appeal E Ref: APP/N0410/C/23/3335788

Appeal F Ref: APP/N0410/C/23/3335789

Land at 21 Southlands Road, Areas 1, 2 and 3, Denham, Buckinghamshire, UB9 4HD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Bellfield Park Ltd against enforcement notices issued by Buckinghamshire Council - South Area (South Bucks).
- The notices were issued on 23 November 2023.
- The breaches of planning control as alleged in the notices are: **Appeal A** - Without planning permission, the erection of a building and the laying of hardstanding; **Appeal B** - Without planning permission, a material change of use of the Land to a mixed use (sui generis) comprising of a contractors yard for a builders merchant and integral to the unauthorised use the siting of storage racks, open storage of builders materials, the erection of Heras fencing, associated paraphernalia, items, equipment and vehicles; **Appeal C** - Without planning permission, the laying of hardstanding; **Appeal D** - Without planning permission, a material change of use of the Land to a mixed use (sui generis) comprising of a contractors yard for concrete mixing and distribution; and integral to the unauthorised use the siting of shipping containers, a silo, piles of raw aggregates and associated paraphernalia, items, equipment and vehicles; **Appeal E** - Without planning permission, the laying of hardstanding; **Appeal F** - Without planning permission, a material change of use of the Land to a mixed use (sui generis) comprising of a contractors yard for a groundworks company; and integral to the unauthorised use the siting of storage racks for open storage, erection of hoarding and associated paraphernalia, items, equipment and vehicles.
- The requirements of the notices are set out in Annex 1 attached to this decision.
- The period for compliance with the requirements is 9 months.
- The appeals are proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since appeals have been brought on ground (a), applications for planning permission are deemed to have been made under section 177(5) of the Act.

Decisions

1. **Appeal A** 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 a building and the laying of hardstanding at Area 1, 21 Southlands Road, Denham, Buckinghamshire, UB9 4HD as shown on the plan attached to the notice.
2. **Appeal B** 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 material change of use of the Land to a mixed use (sui generis) comprising of a contractors yard for a builders merchant and integral to the unauthorised use the siting of storage racks, open storage of builders materials, the erection of Heras fencing, associated paraphernalia, items, equipment and vehicles at Area 1, 21 Southlands Road, Denham, Buckinghamshire, UB9 4HD as shown on the plan attached to the notice and subject to the conditions set out in the Schedule attached to this decision.

3. **Appeal C** 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 laying of hardstanding at Area 2, 21 Southlands Road, Denham, Buckinghamshire, UB9 4HD as shown on the plan attached to the notice.
4. **Appeal D** 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 material change of use of the Land to a mixed use (sui generis) comprising of a contractors yard for concrete mixing and distribution; and integral to the unauthorised use the siting of shipping containers, a silo, piles of raw aggregates and associated paraphernalia, items, equipment and vehicles at Area 2, 21 Southlands Road, Denham, Buckinghamshire, UB9 4HD as shown on the plan attached to the notice and subject to the conditions set out in the Schedule attached to this decision.
5. **Appeal E** 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 laying of hardstanding at Area 3, 21 Southlands Road, Denham, Buckinghamshire, UB9 4HD as shown on the plan attached to the notice.
6. **Appeal F** 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 material change of use of the Land to a mixed use (sui generis) comprising of a contractors yard for a groundworks company; and integral to the unauthorised use the siting of storage racks for open storage, erection of hoarding and associated paraphernalia, items, equipment and vehicles at Area 3, 21 Southlands Road, Denham, Buckinghamshire, UB9 4HD as shown on the plan attached to the notice and subject to the conditions set out in the Schedule attached to this decision.

Preliminary Matters

7. Prior to the appeal developments the combined land the subject of the notices was part of a garden centre. The main retail buildings and structures were located at the northern end close to the A40/Oxford Road, with the appeal land apparently used for open storage of plants, with elements of display and access for customers for plant selection. The garden centre is now in separate occupancy and there is no access between that and the appeal land. The three uses the subject of Appeals B, D and F now occupy separate sections of the former garden centre land, separated by fencing and, in part, buildings and shipping containers. I am satisfied that they comprise 3 separate planning units. Most of the area has been laid to hardstanding

and some structures have been erected, as set out in the notices. The land is accessed from Southlands Road via 2 vehicular accesses.

Matters common to all appeals

8. It is not disputed that all three uses are *sui generis* uses for Use Class purposes. The Appeal B use is a form of builders' merchants, largely given over to open storage of building materials, but with some storage and office functions in the building the subject of Appeal A. There is a trade element, but it is not open for public access. The materials are typically distributed from the site, though there can be collection by appointment. The Appeal D use is a ready-mix concrete supplier, involving the open storage of aggregates in bays, and cement in a hopper. The concrete materials are distributed from the site as a dry mix, concrete is not produced on the site. The Appeal F land is primarily used for the storage of groundworks and construction materials such as concrete shuttering and scaffolding, with some maintenance and repair. All three uses also involve the parking and/or storage of associated equipment and vehicles. Hardstanding has been laid over the majority of the combined sites to accommodate the uses. The uses and their associated development have broadly similar impacts in planning terms and raise similar issues, so I shall only distinguish between them where necessary.

Green Belt considerations

9. The land is in the Metropolitan Green Belt. The National Planning Policy Framework (NPPF) provides that, specified exceptions aside, development in the Green Belt is inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.
10. Among the exceptions is the partial or complete redevelopment of previously developed land (PDL) which would not cause substantial harm to the openness of the Green Belt. The appellant asserts that the combined land is PDL. The appellant claims that the land is on the Council's register of brownfield land, and this has not been disputed. However, the NPPF defines PDL as land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.
11. Although the land as a whole was formerly part of the garden centre, it appears to have been largely devoid of structures and fixed surface infrastructure. Some small sheds and hardstanding are evident in Street View in 2012 just inside the northernmost access, but it is not clear whether they were associated with the adjoining residential property which apparently was also associated with the garden centre. Aerial imagery from 2015 shows the site as predominantly in use for open plant display with no significant permanent structures or hardstanding evident. The quite limited evidence before me does not suggest that the land should be considered as PDL for NPPF purposes. Whether the land could lawfully be used for

open storage due to its former garden centre does not equate to PDL, but in any case the purported lawful use depends on compliance with the notices. Section 57(4) provides that where an enforcement notice is issued in respect of a breach of planning control through the development of land, planning permission is not required for that land to be used for its use immediately before that breach, provided that that use was lawful. Hence reversion to the previous garden centre use is a possibility, but that could only be the garden use as a whole, not a separate use of the planning units created by the breaches of planning control enforced against. In short, a storage use would only be lawful if it was ancillary to the garden centre use, and that would require it to be in the same planning unit. That is not a possibility that I have any evidence about, and given that the land is now in separate occupation, apparently on a lease basis, that seems highly unlikely. Insofar as it can be put forward as a fallback position, I would give it very little weight.

12. However, commercial development in the Green Belt should not be regarded as inappropriate where the land is considered to be what is now referred to as grey belt and satisfies the criteria set out in NPPF paragraph 155. The concept of grey belt was introduced in national planning policy by a revision to the National Planning Policy Framework (NPPF) in December 2024. Both main parties have been consulted on this matter. In view of my conclusion on PDL, whether the development would utilise grey belt land requires assessment of whether it strongly contributes to any of the Green Belt purposes (a), (b) or (d), as set out in NPPF paragraph 143. the Council accepts that the land does not contribute strongly to either checking the unrestricted sprawl of large built-up areas (purpose a), preventing neighbouring towns merging into one another (purpose b) or preserving the setting and special character of historic towns (purpose d). I see no reason to depart from the Council's views on this matter and accordingly I consider the land to be grey belt land for NPPF purposes.
13. NPPF paragraph 155 sets out 3 criteria that must all be met before development on grey belt land can be considered to be not inappropriate. The Council agrees the developments would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the development plan, hence criterion a. is met.
14. Criterion b. requires that there must be a demonstrable unmet need for the type of development proposed. The appellant refers to the executive summary of an Employment and Retail Evidence Study commissioned by the Council to inform the preparation of a new Buckinghamshire Local Plan. This identifies buoyant demand and constrained supply for industrial and B8 land. The report expressly acknowledges that this position could be further exacerbated by delays in site delivery, non-implementation of extant permissions, or changes to anticipated site trajectories. It confirms that additional land will need to be identified not only to meet quantitative requirements, but also to provide flexibility and support delivery.
15. Other evidence from Council studies relates to industrial and B8 land rather than land that is predominantly used for open storage, but in many cases the same land will be suitable for the appeal uses, and no separate assessment has been made by the Council of the need for open storage land. The Council's Housing and Economic Development Needs Assessment Addendum Report and the most recent Housing and Economic Land Availability Assessment indicates that the availability

of land for employment and other economic development uses is insufficient to meet the anticipated demand, while The Economic Development Strategy for Chiltern and South Bucks, which set out the Councils' economic development priorities for 2017–2026 noted that there was a lack of good quality, mid-sized commercial premises in the districts. There is also evidence from occupiers of the appeal sites regarding the difficulty finding suitable premises to operate from in the area. Overall, looked at in the round I am satisfied that there is sufficient evidence of a demonstrable unmet need for the type of developments proposed to satisfy Criterion b.

16. Criterion c. requires that the development would be in a sustainable location, with particular reference to NPPF paragraphs 110 and 115, which advise that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, ensuring sustainable transport modes are prioritised, and that safe and suitable access to the site can be achieved for all users. In this respect the locality is well served by public transport and has excellent access to the strategic road network. Being proximate to Denham, it is also accessible by walking and cycling. While Southlands Road itself does not have street lighting, it is an active area which is unlikely to be challenging for such users. Furthermore, staff travel plans, which would encourage staff to travel to the site by sustainable modes, can be required by condition. I consider that the location meets Criterion c.
17. On this basis I consider that the developments the subject of the appeals are not, individually or cumulatively, inappropriate development in the Green Belt. It is not therefore necessary to consider their impacts on Green Belt openness.

Main Issues

18. Having regard to my conclusion above, I consider the main issues to be the effect of the developments on the character and appearance of the area and on the living conditions of the occupiers of nearby dwellings. The extent of operational development is no more than necessary to support the uses, so their acceptability is parasitic on the acceptability of the uses. I should note that I am concerned with what was on site at the time the notices were issued. There have been some changes in the meantime, including in the specific areas occupied by the uses, but the deemed planning applications relate only to the matters and areas the subjects of the notices.
19. The combined appeals site lies on the edge of an extensive area of land extending to the A40 that is in employment use, mainly garden centre or related uses. The land directly opposite on Southlands Road and to the south is agricultural, but given its former use I consider that the appeals developments do not comprise any encroachment into the countryside, rather the land adjoins a tract of countryside that is heavily influenced by proximity to commercial uses and the strategic road network. In this context, while the former use for plant storage and display would have provided a gentler transition from the commercially dominated A40 end of Southlands Road to the semi-rural character to the south and west, the site is well contained, being largely enclosed by hedgerows, such that its presence and appearance does not adversely affect the character of Southlands Road, the adjoining countryside or the locality generally.

20. The changes of use enforced against amount to an intensification of activity on the site compared to its former use, including additional vehicle movements, which has the potential to harm the amenity of nearby residential properties due to noise and disturbance. The appellant has submitted a noise assessment which found a high level of background noise due to proximity to the M40 and A40. Noise generation from the site was audible at times, generated by the arrival and departure of vehicles within the site and on the public highway, as well as activities in external areas, including the short-term use of mobile plant. However, it was short term in nature and did not significantly affect the background sound level, which was dominated by road traffic. Operations on the adjacent commercial sites were also audible during the survey, and considered to be of a similar noise level and character. A BS4142 assessment of sound from the site found it likely to result in a low impact at all receptor levels, including the nearest residential properties.
21. The noise assessment had regard to the appellant's transport assessment. This found the unauthorised use areas generated 77 additional two-way total vehicle trips per day, including 58 additional two-way HGV vehicle trips per day, compared to the consented garden centre use, which was not considered significant in highway capacity terms. Both the transport and noise reports concluded that mitigation would avoid significant adverse noise and disturbance impacts on neighbouring dwellings and residents. The mitigation proposed, and upon which the conclusions of no adverse effect were predicated, was restricting opening hours to 08:00 to 18:00 on weekdays only, with the site closed at weekends and on bank holidays, along with the provision of adequate on-site parking, drawing parking and vehicle disturbance away from the public highway, and a one-way traffic system through the site, which would avoid the need for vehicles to reverse out. These can be secured by condition, as can a Travel Plan encouraging the use of sustainable modes of transport, which would also lessen the likelihood of noise and disturbance. The Council has not commented on these specific measures, or indeed on the assessments themselves, but I consider that they would serve to make the developments acceptable in this location.
22. I find accordingly that with appropriate mitigation the material changes of use, and their associated operational development, would not adversely affect the character and appearance of the area or the living conditions of the occupiers of nearby residential properties, such that they would accord with Policy EP3 of the consolidated South Bucks District Local Plan, and the development plan read as a whole. I accept the Council's assertion that the developments comprise intentional unauthorised development, and I have attached some adverse weight to this matter, but it does alter my conclusion that the developments are acceptable.
23. I consider conditions should be attached to the material change of use permissions restricting operating hours as proposed above, along with adoption of the parking and traffic scheme set out in the transport assessment and control of external lighting, to be reasonable and necessary in the interests of protect local amenity. I shall also restrict storage height in the interests of local character, and require the submission, approval and implementation of a Travel Plan in the interests of sustainability and local amenity. No conditions are necessary for the operational development permissions.

24. The appeals succeed accordingly and I shall grant planning permission on the deemed planning applications for each of the developments enforced against. There is no need therefore to consider the appeals on ground (g).

Paul Dignan

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal B Ref: APP/N0410/C/23/3335785, Appeal D Ref: APP/N0410/C/23/3335787 and Appeal F Ref: APP/N0410/C/23/3335789

1. The use hereby permitted shall only take place between 08:00 – 18:00 on weekdays only and not at all on weekends and on bank holidays.
2. No flood lighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type, and direction of light sources, intensity of illumination and hours of use. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.
3. The height of any external storage shall not exceed 3m in height.
4. The use hereby permitted shall cease unless within 6 months of the date of this permission the traffic and parking management scheme set out in the Statement of Transport dated March 2024 (ref: 24331301) prepared by Steer, as shown in Appendix D Site Access Drawings, Swept Paths and Visibility, has been implemented in full. The scheme shall thereafter be retained and operated for the duration of the development.
5. The use hereby permitted shall cease unless within 3 months of the date of this permission, a detailed Travel Plan, including a timetable for implementation, shall have been submitted to the Local Planning Authority for its approval in writing. The Travel Plan shall be implemented in accordance with the approved details and shall thereafter be maintained and operated for the duration of the development.

ANNEX 1 – NOTICE REQUIREMENTS

Appeal A Ref: APP/N0410/C/23/3335784

1. Demolish and remove the building (shown in the approximate position labelled 'building' on the attached Plan), from the Land;
2. Rip up and remove the hardstanding (shown in the approximate position hatched and labelled on the attached Plan), from the Land;
3. Remove all materials and debris resulting from complying with Steps 1 – 2 of the Notice from the Land.

Appeal B Ref: APP/N0410/C/23/3335785

1. Cease the use of the Land as a contractor's yard for a groundworks company (Unauthorised Use);
2. Cease the use of the Land for open storage;
3. Remove all storage racks not used in connection with the lawful use of the Land, from the Land;
4. Remove all hoarding used in connection with the unauthorised use of the Land, from the Land;
5. Remove all paraphernalia used in connection with the unauthorised use of the Land, from the Land;
6. Remove all items bought onto the Land in connection with the unauthorised use, from the Land;
7. Remove all equipment used in connection with the unauthorised use of the Land, from the Land;
8. Remove all vehicles used in connection with the unauthorised use of the Land, from the Land;
9. Remove all materials and debris resulting from complying with Steps 1 – 8 of the Notice from the Land.

Appeal C Ref: APP/N0410/C/23/3335786

1. Rip up and remove the hardstanding (shown in the approximate position hatched and labelled on the attached Plan), from the Land;
2. Remove all materials and debris resulting from complying with Step 1 of the Notice from the Land.

Appeal D Ref: APP/N0410/C/23/3335787

1. Cease the use of the Land as a contractor's yard for concrete mixing and distribution (Unauthorised Use);
2. Remove all shipping containers used in connection with the unauthorised use of the Land, from the Land;
3. Remove all silos used in connection with the unauthorised use of the Land, from the Land;
4. Remove all raw aggregates used in connection with the unauthorised use of the Land, from the Land;
5. Remove all paraphernalia used in connection with the unauthorised use of the Land, from the Land;
6. Remove all items bought onto the Land in connection with the unauthorised use, from the Land;
7. Remove all equipment used in connection with the unauthorised use of the Land, from the Land;
8. Remove all vehicles used in connection with the unauthorised use of the Land, from the Land;
9. Remove all materials and debris resulting from complying with Steps 1 – 8 of the Notice from the Land.

Appeal E Ref: APP/N0410/C/23/3335788

1. Rip up and remove the hardstanding (shown in the approximate position hatched and labelled on the attached Plan), from the Land;
2. Remove all materials and debris resulting from complying with Steps 1 of the Notice from the Land.

Appeal F Ref: APP/N0410/C/23/3335789

1. Cease the use of the Land as a contractors yard for a builders merchant (Unauthorised Use);
2. Cease the use of the Land for open storage;
3. Remove all storage racks used in connection with the unauthorised use of the Land;
4. Remove all builders materials used in connection with the unauthorised use of the Land, from the Land;
5. Remove all Heras fencing used in connection with the unauthorised use of the Land, from the Land
6. Remove all paraphernalia used in connection with the unauthorised use of the Land, from the Land;
7. Remove all items bought onto the Land in connection with the unauthorised use, from the Land;
8. Remove all equipment used in connection with the unauthorised use of the Land, from the Land;
9. Remove all vehicles used in connection with the unauthorised use of the Land, from the Land;
10. Remove all materials and debris resulting from complying with Steps 1 – 9 of the Notice from the Land.