
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: 6 May 2026

Appeal Ref: APP/K0425/C/24/3343911

Land at The Crown, City Road, Radnage, Buckinghamshire HP14 4DW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr C Wenman against an enforcement notice issued by Buckinghamshire Council.
- The notice was issued on 10 April 2024.
- The breach of planning control as alleged in the notice is: without planning permission
 1. A material change of use of the Land to a mixed use, comprising of a public house, car sales and associated vehicle storage (the "Unauthorised Use"); and
 2. Operational development integral to the unauthorised use, comprising the construction of hardstanding, a modular structure, fencing and access gates.
- The requirements of the notice are:
 1. Cease the use of the Land (outlined by a thick black line on the attached Plan) for car sales and associated vehicle storage;
 2. Rip-up and remove the hardstanding (in the approximate position as shown as hashed on the attached plan), from the Land;
 3. Demolish and remove the modular structure (in approximate position as shown as cross-hashed on the attached plan), from the Land;
 4. Remove the fencing (in approximate position as shown as 'X' on the attached plan), from the Land;
 5. Remove the access gates (in approximate position as shown as 'V' on the attached plan), from the Land;
 6. Restore the Land to its condition that existed immediately prior to the commencement of the unauthorised use (for the avoidance of doubt, all items, vehicles, equipment, signage and paraphernalia used in connection with the unlawful use, should be removed, and all disturbed areas returned to grassland);
 7. Remove all materials and debris resulting from complying with steps 1 to 5 of this notice, on the Land
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (g) of the Town and Country Planning Act 1990 (as amended) ("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 ("the DPA").

Summary of decision: The appeal is dismissed and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decision.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 15 April 2026.

Applications for costs

1. An application for costs has been made by the Council against the appellant. That application is the subject of a separate decision.

Preliminary Matters

2. The appellant states that the internet car sales no longer operate from the site and that the fence and gates (those enclosing the car park) have been removed. But

there is no dispute between the parties that car sales and storage did occur prior to the issue of the Notice. At the time of my visit it was clear that the fencing and gates across the car park had been removed and there were only a few vehicles on the land, whether parked or stored. The hardstanding and modular building remained, along with the lower-level timber fencing in front of the public house building and running along the edge of the highway enclosing a seating area.

3. Additional fencing and gates have been erected at the rear of the site since the Notice was issued, which enclose the rear part of the Land and the modular building and hardstanding. Parts or all of the additional fencing and gates exceed 2m in height, and neither party has advised that any planning permission has been granted for them. Having not been in place at the time the Notice was issued, the additional fencing and gates are not part of the matters before me. But I have considered the significance of their presence in relation to the effects of the development in my reasoning below.
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.
5. The Chilterns Area of Outstanding Natural Beauty is now known as the Chilterns National Landscape.

The Notice

6. I am empowered to correct any error or misdescription in the Notice, where no injustice would occur to the appellant or the Council in doing so.
7. The breach of planning control alleged in Section 3 of the Notice is in two parts. The first relates to a material change of use, and the second to ‘operational development integral to’ the use. Inserting the words, “and facilitating” the use, would make clear that the works facilitated the use alleged rather than being independent breaches of planning control.
8. In Section 5, requirements 2 and 3 refer to the locations of specific elements with reference to the plan attached to the Notice. In doing so they refer to approximate positions shown ‘hashed’ on the plan. Requirement 7 also requires materials and debris to be removed ‘on’ the Land. For clarity, the words ‘hashed’ and ‘on’ appear to be typographic errors and should be replaced with the words “hatched” and “from”.
9. No injustice would occur to either party were I to correct the Notice accordingly, and I will do so in my Formal Decision.

The appeal on ground (c)

10. Appeals on ground (c) are made on the basis that the matters stated in the Notice do not constitute a breach of planning control.
11. The appellant’s case on ground (c) is limited to two matters. Firstly, that use for internet car sales does not constitute a material change of use of the Land. And secondly, that the gates and fences erected were ‘permitted development’ and therefore that planning permission was granted for them.

The use

12. Section 55 of the Act defines development as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Section 57 states that planning permission is required for the carrying out of any development of land.
13. The Notice relates to the entire parcel of Land, not just the car park, and the use alleged is the mixed use of the Land as a whole to a use comprising a public house, car sales and associated vehicle storage.
14. When operating solely as a public house, the car park generated activity and manoeuvres associated with the public house. The introduction of the two additional elements of car sales and vehicle storage changed the overall character of the use of the Land. The physical changes themselves, that is the enclosure of the former car park, the laying of hardstanding material and the stationing of the modular structure, are indicative of a material change. The storage of vehicles is also different to parking, having a permanency which contrasts with the intermittency and comings and goings of parking for visiting a public house. The mixed use of vehicle storage, sales visitors and use as a public house is therefore materially different to use solely as a public house.
15. The change in the use was therefore a material one and development for the purposes of the Act. As no planning permission has been granted for the change of use, it constituted a breach of planning control.

The fences and gates

16. Photographs of the fences and gates erected were provided by the Council, which advises that the parts which enclosed the car park were 2m in height. Those parts of the fencing have been removed, but their former siting is indicated by the patching of the ground surface.
17. Those parts of the fencing and gates were set back from the highway edge sufficiently to pull off the road in a car before opening the gates. The appellant advises their distance from the highway was 6m, although it appeared to me that the actual distance varied across its length.
18. I note the appellant's case that this part of the fence and gates would not have interfered with visibility in terms of highway safety. But also that other than the grass verge, which accommodated a bus stop sign, there was no intervening structure between the road and the fence and gates. The fence and gates enclosed the land beyond it, a short distance from the highway edge.
19. Considering all these matters, in my judgement the fence and gates enclosing the car park were adjacent to a highway used by vehicular traffic. They were therefore not permitted development under Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO") and, consequently, planning permission was not granted for them under Article 3(1) of the GPDO. They were development facilitating the mixed use, for which no planning permission had been granted, and therefore constituted part of the breach of planning control.
20. The lower fencing stands as a separate structure, enclosing the front beer garden, and I have seen no evidence that this fence facilitated the material change of use. It

does not exceed 1m in height and, from the evidence before me, was permitted development under Schedule 2, Part 2, Class A of the GPDO. Planning permission was therefore granted for it under Article 3(1) of the GPDO.

Conclusion on ground (c)

21. For the reasons given above, the appeal succeeds in part, in relation to the fencing not exceeding 1m in height around the front beer garden. The appeal fails insofar as it relates to the use of the Land and the facilitating works, including the fencing and gates across the car park.

The appeal on ground (a) / the DPA

22. 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.

23. The Land is located within the Green Belt and the Chilterns National Landscape. The Notice also alleges loss of a community asset, harm to biodiversity and/or protected species and harm to mature trees.

24. 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;
- The effect of the development on the Chilterns National Landscape;
- The effect of the development on the public house;
- The effect of the development on biodiversity and protected species;
- The effect of the development on trees; and
- 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

25. 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.
26. Wycombe District Local Plan (2019) (“WDLP”) Policy DM42, which relates to managing development in the Green Belt, states that development in the Green Belt is inappropriate, except where the Framework classifies development as not inappropriate. An exception is made where the development accords with a made Neighbourhood Plan, but neither party have claimed that to be the case.
27. In relation to use, the appellant’s case is that the limited effects of the development render the use, and the modular structure and fencing and gates, not inappropriate development. But even if that were the case, the effects of the development are not

relevant in that assessment. The material change of use is development in terms of Section 55 of the Act and none of the exceptions apply. The use, along with the facilitating works, is therefore inappropriate development in the Green Belt.

28. The appellant also claims that the hardstanding, as an engineering operation, is one of the exceptions set out in paragraph 154 of the Framework. That exception is conditional on it preserving the openness of the Green Belt and not conflicting with the Green Belt purposes. The Appellant considers its impact to be very limited, on account of it being limited to ground level. But a limited impact is not the absence of an impact.
29. Parts of the hardstanding stand at a higher level than the surrounding land, and without the additional fencing it would reduce visual openness. But even if account is taken of the additional fencing and gates, spatially the hardstanding is significant and fails to preserve openness. Furthermore, one of the Green Belt purposes is to assist in safeguarding the countryside from encroachment, and the introduction of a large hardstanding area at the rear of the plot on former grassland increases the developed area of the Land. The hardstanding is therefore inappropriate development.
30. 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 very special circumstances exist is considered below in relation to Other Considerations.

Openness

31. Spatially, the modular structure is a substantial size and was delivered by lorry in two or more parts. In addition, the extensive hardstanding, and fencing and gates as they were erected prior to the issue of the Notice, individually and cumulatively increased the volume of built development, reducing openness. The storage of vehicles, at the levels shown in the Council's photographs, also further reduced its openness.
32. Visually, the fencing and gates enclosing the car park markedly reduced the openness of the Green Belt. Without them, open views across the public house car park contribute significantly to the openness of the area. The storage of vehicles, resulting in vehicles on the Land for longer periods and larger numbers than parking purely by public house users, reduced it further. In addition, should the additional fencing and gates be removed the effect on visual openness would increase markedly on account of the scale and visibility of the modular building, and to a lesser extent the hardstanding. But even if the additional fencing and gates are retained, the modular building is a structure of a substantial size and its roof is visible from the road. Visually, each of these elements reduces openness further.
33. The development therefore reduces the openness of the Green Belt, contrary to the essential characteristics of the Green Belt and the Green Belt purpose of assisting in safeguarding the countryside from encroachment. This harm is weighed with other considerations below.

Chilterns National Landscape

34. The Land is located within the Chilterns National Landscape.

35. I have a statutory duty, under Section 85 of the Countryside and Rights of Way Act 2000 (“the CROW Act”) to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes. In addition, paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues.
36. The fencing and gates, as they were at the time the Notice was issued, contrasted sharply with the natural beauty of the area. The storage of vehicles, for longer than periods during which users of the public house would typically be present, reduced it further.
37. Should the additional fencing and gates be removed the modular structure would be prominent from the road. The exterior cladding, which appears similar to dark-stained boarded timber, and the grey profile roof, which takes on an appearance akin to a grey tiled roof, go some way towards reflecting the materials of the public house and letting rooms buildings. But its form is uncharacteristic of others in the area, being similar to a park home, and incorporating a raised platform unlike any other features I witnessed in the landscape.
38. If the additional fencing and gates are retained, the grey roof of the modular structure would be visible but not out of keeping with the landscape. But parts of the fencing itself, particularly its trellis upper parts, are unattractive, and themselves harm the landscape and scenic beauty of the area. A planning condition requiring the retention of the additional fencing would therefore result in a development which harmed the landscape and scenic beauty of the area overall.
39. Retention of the modular structure would therefore not conserve the landscape and scenic beauty of the National Landscape.
40. Seen at relative distance, the hardstanding gravelled area, although large, would not be prominent to the point of failing to conserve the landscape and scenic beauty of the area, even if the additional fencing and gates were removed. The low fencing around the front beer garden also retains the character of the area and conserves the landscape and scenic beauty of the area.
41. As a whole, the development therefore fails to conserve the landscape and scenic beauty of the area. It therefore conflicts with WDLP Policies CP9, DM30 and DM35, which together require development to improve the character of the area and conserve the natural beauty of the National Landscape.

The public house

42. The Council is concerned at the closure of the public house and/or the loss of its car park, whether temporarily or permanently. The appellant argues that the closure of the public house was temporary, for refurbishment, was unrelated to the car sales and storage, and that there is no loss of the community facility.
43. But the matters before me are the mixed use of the land and operational development facilitating that use, and the deemed planning application therefore relates to the mixed use which had occurred by the time the Notice was issued.
44. WDLP Policy DM29, which seeks to support and retain community facilities, requires land currently or last occupied for community use to be retained unless it is

clearly demonstrated through a needs assessment that the land, or any part of it, is surplus to community needs.

45. Public houses often rely on their car parks, particularly in rural areas, and a reasonably sized car park can provide opportunities for greater than local custom, including in relation to food or tourism.
46. There is no needs assessment before me demonstrating that the land, in whole or part, is surplus to community needs. It has therefore not been demonstrated that the mixed use of the Land as a public house, with car sales and associated vehicle storage and facilitating development does not, or will not in future, harm the ongoing use of the Land as a community facility. The development therefore conflicts with WDLP Policy DM29, which is described above.

Biodiversity and protected species

47. The Council states that the site falls within the Radnage Valley Biodiversity Opportunity Area ("BOA") and that Buckinghamshire's BOAs identify habitat creation and restoration priorities for different parts of the county using a targeted landscape-scale approach. It states that target habitats for creation and restoration include native woodland, wood pasture/parkland, traditional orchards, hedgerows, lowland calcareous grassland, arable field margins and chalk river.
48. The Council have provided very little information relating to the Radnage Valley BOA. With the information before me it appears to be an opportunity area rather than a designated site of local or national importance in relation to ecology. Delivery and Site Allocations Plan for Town Centres and Managing Development (2013) ("DSAP") Policy DM14, which relates to biodiversity in development, requires all development to be designed to maximise biodiversity and to take opportunities to increase it.
49. The Council states that, as the site is bordered by mature trees and hedges and is located in the open countryside, it has the potential to provide habitat for protected species. But the Council have not set out how the mixed use might harm biodiversity, including any protected species. The development before me has already been carried out and any harm to wildlife or protected species arising from physical works will therefore already have occurred.
50. There is no evidence before me that a grant of planning permission for the mixed use, or retention of the associated works carried out, would be likely to harm designated conservation sites, important habitat or protected species. However, were I to grant planning permission, a condition could be imposed requiring a scheme for biodiversity enhancement to be submitted, approved and carried out.
51. Subject to such a condition, retention of the development would enhance biodiversity and accord with DSAP Policies DM13 and DM14, which relate to biodiversity in development and sites, habitats and species of biodiversity and geodiversity importance. It would also accord with the relevant aspects of WDLP Policy DM34, which seeks to deliver green infrastructure and biodiversity in development.

Trees

52. The northern and western borders of the Land contain mature trees and hedges. The Council states the development has the potential to harm those trees and result in significant loss of visual amenity and biodiversity opportunities.
53. I witnessed only one mature deciduous tree along the northern boundary, and the works that have occurred are some distance from the western boundary. The hardstanding is set back away from the northern boundary of the Land, and even if some peripheral parts of the mature tree's canopy overhang the hardstanding area, they are very limited.
54. The use, and the works associated with it, also occurred more than two years ago and the Council has not identified any specific harm to trees. Neither did I see any obvious evidence of harm to existing trees at my site visit.
55. The Council has suggested a landscaping scheme would be required were I to allow the appeal and, with the evidence before me, such a condition would mitigate against any loss of visual amenity and biodiversity opportunities.
56. Subject to a suitable planning condition, the development would therefore not harm visual amenity and biodiversity in relation to trees. It would therefore accord with the relevant parts of WDLP Policies CP9, DM34 and DM35 and DSAP Policy DM13, which together seek to improve the character of the area and protect biodiversity and green infrastructure and other habitats.

Other considerations

57. 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.
58. The development as a whole is inappropriate development in the Green Belt, which is by definition harmful, and harms its openness. Together these harms attract substantial weight against the development, as required by paragraph 153 of the Framework.
59. I attribute further substantial weight against the development for its failure to conserve and enhance the natural beauty of the Cotswolds National Landscape, considering my statutory duty and the requirement in paragraph 189 of the Framework, which requires me to give it great weight.
60. I attach further significant weight against the development in relation to the actual or potential harm to the ongoing use of the Land as a community facility.
61. As considerations relating to trees and biodiversity and protected species could be addressed by planning conditions, these matters weigh neutrally in the balance.
62. The appellant has therefore not demonstrated that there are any other considerations that would clearly outweigh the harm identified. Very special circumstances therefore do not exist.

Conclusion on ground (a)

63. The development conflicts with development plan policies and there are no other material considerations that require a decision to be made other than in accordance with the development plan.
64. The appeal on ground (a) therefore fails.

The appeal on ground (g)

65. Appeals on ground (g) are made on the basis that the time period for compliance falls short of what should reasonably be allowed, and the appellant's case is that nine months would be more realistic to appoint builders to carry out the works, removal and re-instatement.
66. The fencing and gates across the car park have been removed and the appellant advises that the internet car sales no longer operate from the site.
67. With the evidence before me, a period of three months would be sufficient to comply with all the remaining requirements of the Notice, including the removal of the modular building and hardstanding, and the restoration of the grassland. That would be the case even considering the need to arrange others to carry out those works.
68. The appeal on ground (g) therefore fails.

Conclusion

69. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Decision

70. It is directed that the enforcement notice is corrected by:
- In Section 3(2) insertion of the words "and facilitating" after the words 'integral to';
 - In Sections 5(2) and 5(3) the deletion of the words "hashed" and their substitution with the words "hatched";
 - At the beginning of Section 5(4) insertion of the words "Except in relation to fencing not exceeding 1 metre in height around the front beer garden,"; and
 - In Sections 5(7) the deletion of the word "on" and its substitution with the word "from".
71. Subject to the corrections, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Peter White

INSPECTOR