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## Appeal Decisions

Inquiry (Appeal A) held on 15, 16 and 17 April 2026

Site visit (Appeals A and B) made on 17 April 2026

**by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 May 2026**

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### **Appeal A: Ref APP/N0410/C/25/3376465**

#### **Denham Mount, Blacksmiths Lane, Tatling End, Buckinghamshire UB9 4HW**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Ahmed Al-Amood (Blacksmiths Palace Limited) against an enforcement notice (Notice A) issued by Buckinghamshire Council on 16 October 2025.
  - The breach of planning control as alleged in the notice is without planning permission, a material change of use to a (sui generis) mixed use, comprising:
    - Residential and agricultural, AND
    - equestrian
    - hotel
    - office
    - vehicle sales
    - the commercial parking of vehicles
    - storage
    - vehicle repairs and maintenanceAND  
To facilitate the unauthorised mixed use, the carrying out of operational development comprising:
    - the laying of hardstanding,
    - the erection of a canopy structure.
  - The requirements of the notice are to:
    - 1) Cease the equestrian use of the Land;
    - 2) Cease the use of the Land as a hotel;
    - 3) Cease the use of the Land for office use;
    - 4) Cease the use of the Land for vehicle sales;
    - 5) Cease the use of the Land for the commercial parking of vehicles;
    - 6) Cease the use of the land for storage;
    - 7) Cease the use of the land for vehicle repairs and maintenance;
    - 8) Remove all equipment, paraphernalia (including but not limited to pods, marquees and all temporary structures) and vehicles brought onto the Land in connection with the unauthorised mixed use, from the Land;
    - 9) Rip up and remove the hardstanding (shown in the approximate position marked hatched on the attached plan) from the Land;
    - 10) Demolish the canopy structure (shown in the approximate position marked cross hatched on attached plan 1) from the Land;
    - 11) Restore the Land marked hatched on the attached plan to the condition that it was in prior to the commencement of the unauthorised development. This includes, but is not limited to, re-profiling the ground to its previous level and re-seeding with grass;
    - 12) Remove from the Land all materials and debris resulting from complying with Steps 1 to 10 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) (b) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act).
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## **Appeal B: Ref APP/N0410/C/25/3364195**

### **Denham Mount, Blacksmiths Lane, Tatling End, Buckinghamshire UB9 4HW**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Ahmed Al-Amood (Blacksmiths Palace Limited) against an enforcement notice (Notice B) issued by Buckinghamshire Council on 11 March 2025.
  - The breach of planning control as alleged in the notice is without planning permission, the laying of hardstanding.
  - The requirements of the notice are to:
    1. Rip up and remove the hardstanding (shown in the approximate position hatched on the attached plan) from the Land;
    2. Restore the Land to the condition that it was in prior to the commencement of the unauthorised development. This includes, but is not limited to, re-profiling the ground to its previous level and re-seeding with grass;
    3. Remove from the Land all materials and debris resulting from complying with Steps 1 and 2 of this Notice.
  - The period for compliance with the requirements is 4 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) (b) (c) (d) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act). Since the appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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## **Decisions**

1. It is directed that Notice A be corrected and varied by:

- deleting "the commercial parking of vehicles", "storage" and "vehicle repairs and maintenance" in section 3;
- replacing step 1 of section 5 with "Cease the unauthorised mixed use";
- deleting steps 2, 3, 4, 5, 6 and 7 in section 5;
- renumbering steps 8, 9, 10, 11 and 12 as 2, 3, 4, 5 and 6 respectively in section 5;
- replacing "1-10" with "1-4" in re-numbered step 6 in section 5; and
- replacing "6 months" with "8 months" in section 6.

Subject to the above amendments, made due to limited successes on grounds (b) and (g), Appeal A is otherwise dismissed and Notice A is upheld.

2. It is directed that Notice B be varied by replacing "4 months" with "8 months" in section 6. Subject to that variation, made due to success to that extent on ground (g), Appeal B is otherwise dismissed and Notice B is upheld.

## **Costs Applications**

3. Costs applications were made by the main parties against one another in Appeal A. These applications are the subjects of separate Decisions.

## **Procedural Matters**

4. The Inquiry was held solely in respect of Appeal A, with Appeal B determined by way of the written representations procedure. The hardstanding targeted by Notice B in Appeal B (which is concerned with operational development only) is the same hardstanding identified in Notice A said to facilitate the alleged unauthorised mixed use in Appeal A.

## Appeal A

### Ground (b)

5. For success on this ground, I must be satisfied on the balance of probabilities that matters stated in the notice said to constitute a breach of planning control have not in fact occurred. The burden of proof sits with the appellant.
6. The appellant's case is essentially advanced on the following points:
  - that uses set out in the notice as components of the alleged mixed use are either not taking place at all or are ancillary activities;
  - the alleged material change of use has not in fact occurred because the land is not a single planning unit but a number of planning units; and
  - that any corrections to the notice in respect of defects arising from the above issues would cause injustice.

### Uses

Residential, agricultural, vehicle sales

7. The appellant accepts that these uses have in fact occurred on the land, and that they are not ancillary activities.

### Equestrian

8. The case put forward is that the horses present on the land are for grazing, which is an agricultural use. Mr Jupp, the appellant's expert planning witness, identified stabling (as distinct from the provision of a field shelter) as a "number 1" feature of the keeping of horses as an equestrian use. The appellant's response to the Planning Contravention Notice (PCN) issued on 28 February 2025 (having been warned that it was an offence to knowingly or recklessly give false or misleading information) was that the sole 'use occurring' (present tense) in the Coach House was 'Horse stables'. Accordingly, I place significant weight on that evidence, notwithstanding that in other parts of Mr Al-Amood's evidence he emphasised the infrequency of stabling within the Coach House and that it had not happened for a while. I also place significant weight on the fact that his statement of truth dated 18 April 2026 says that 'at present' equestrian activity is being carried out on the land and which included the occasional riding of horses (albeit within designated parcels of the land and, as the case may be, by their owners).
9. Taking all into account, I find the mixed use to have occurred which included an equestrian use component and which was more than *de minimis*.

### Hotel

10. The appellant says Denham Mount villa is used as a guesthouse, not a hotel.
11. Mr Al-Amood's declaration in his statement of truth that 'the property is not advertised as a hotel' is immediately contradicted by the appellant's own proof of evidence bundle which includes (at page 145) a screenshot of a page on the denhammount.com website which says 'the hotel is based in an elegant Georgian villa...'. Accommodation, weddings and corporate events can be booked at 'the hotel' through the website.

12. I concur with Mr Jupp (and the Inspector in *The Crown & Mitre* appeal<sup>1</sup>) that a person who stays in a guest house is commonly understood to be one who stays in someone's home. Further, that 'host presence' is integral to the notion of a guesthouse. Mr Al-Amood is said to reside within Denham Mount (I saw what appeared to be some of his personal possessions on my site visit) but, even on the appellant's case, it is not his sole residence and he stays there on average 3-4 days per week (so about only half the time). Mr Al-Amood's narrative is that - when present - he interacts with guests as a host and provides services to them but, given the apparent sparsity of reference to him in customer reviews and in the extracts of the guestbook submitted<sup>2</sup>, I am unpersuaded that the accommodation has the character of a place where one stays in the host's home and where the presence of the host is integral to it.
13. Further, any sense of 'homeliness' is limited by the fact that this is an 8 guest-bedroomed establishment within 40 acres of gardens offering 'World-class service' (the website attests) provided by a cadre of employed staff who interact with customers and perform regular housekeeping, cleaning and catering roles. Its marketing as a wedding venue (with marquee), and the provision of luxury facilities such as a hot tub, further strengthens its character as a small hotel over that of a guesthouse.
14. I accept that there are some features which distinguish it from many hotels (requests to remove footwear, breakfasts provided but no evening meals and no bar/restaurant) but in my view - in the context of what I have set out above - these features are not sufficient to satisfy me that Denham Mount has not in fact been used as a hotel as part of the mixed use allegation.

#### Offices

15. Rooms within the Coach House are being used as offices for Mr Al-Amood's businesses, and most obviously for Motor2Go (which operates a vehicles sales business upon the hardstanding) and which employs 4 members of staff who work there. However, Mr Al-Amood also told the Inquiry that he uses the Coach House as a 'Head Office' and conducts business therein for his other companies which are not based upon the appeal site. I find as a matter of fact and degree that there has been an office use, which is more than ancillary to other uses on the land.

#### Commercial parking, storage, vehicle repairs and maintenance

16. The parties agree that these uses have not occurred as a matter of fact (or, at least, not other than as ancillary activities<sup>3</sup>).

#### Planning Unit

17. The leading case for determination of the planning unit is *Burdle*<sup>4</sup> where it was held that the planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes; the concept of physical and functional separation is key. The appellant argues there is more than a single planning unit, and has identified up to 8.

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<sup>1</sup> APP/Q9495/C/22/3310495

<sup>2</sup> particularly notable in the context of the numerous references to the various members of professional staff employed in the running of the establishment.

<sup>3</sup> The appellant does not agree that commercial parking has taken place in any form, even as ancillary.

<sup>4</sup> *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207

18. The appellant company, Blacksmiths Palace Limited, acquired the freehold of the appeal site in April 2021. The appeal site is essentially the historic estate grounds of Denham Mount, with its centrally located villa and other buildings.
19. Mr Al-Amood is Director of Blacksmiths Palace Limited and it would appear that he controls and manages the entire site, both through that company and various others in which he has an interest: Motor2Go operates a car sales business upon the site (largely utilising the hardstanding) but it is that company which has entered into grazing agreements for parcels of the land elsewhere on the site owned by Blacksmiths Palace Limited; Basrah Properties Limited lets the residential flat within Mount Cottage (the Coach House, a building shared with the Motor2Go offices) and is also involved in contracting wedding events at Denham Mount (involving the hotel and its landscaped gardens, the hardstanding for parking, and the marquee to its south). Blacksmiths Palace Limited also lets Garden Cottage to Ms Alves - who works for both Motor2Go (Company Secretary) and the hotel (manager and event co-ordinator).
20. It find, therefore, that the appeal site as a whole is the unit of occupation – and the single planning unit – which is firmly occupied through the controlling mind of Mr Al-Amood and managed across it by way of his network of interacting companies. While I acknowledge that case law<sup>5</sup> has recognised that there may be other occupiers within their own units of occupation which might be treated as separate planning units, each case turns on its own facts and a judgement has to be reached taking all relevant considerations into account. I have done so, and do not find as a matter of fact and degree that others upon the appeal site (notwithstanding the existence of tenancy agreements and grazing licences) occupy physically separate and distinct parts of it for different and unrelated purposes. In reaching this finding, amid the above site-wide context, I have carefully considered the physical and functional connections of each of the 8 argued planning units put forward by the appellant (each factor on its own may not be determinative, but rather I have taken everything into account in my overall conclusion upon the identification of the correct planning unit):

Argued 'Planning Unit 1' – 'Denham Mount'

- the offices in the Coach House are used for hotel business;
- the gardener (who resides in the Coach House) gardens the hotel environs and also helps out and cooks breakfast in the hotel;
- the hotel manager and event co-ordinator lives in Garden Cottage;
- hay to attract deer to Denham Mount is stored in the agricultural barns;
- hotel employees park on the land next to the agricultural barns;
- Mr Al-Amood (who resides within the villa) has 6 cars and parks them on the hardstanding used for car sales. While the appellant says that this amounts to parking at one's office rather than at home, it is unusual in my experience to park one's vehicle (1 or 6 of them) at work even when one is at home;
- the marquee has been tied to a lorry container on the hardstanding;

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<sup>5</sup> *Church Commissioners for England v SSE* [1995] 2 PLR 99

- hotel guests (if roughly more than half the rooms are booked), and guests for marquee events, park on the hardstanding. Without physical separation, the guests have been able to walk between the marquee and the 'car park'. For weddings and events, Mr Al-Amood says that 40-50 cars might use the hardstanding, around 4-5 times per year, and I find this to be material;
- horses from land under the grazing licences clearly have access, from time to time, to the land around the hotel (as seen from various photographs). In my judgement this is too frequent to be accidental and the fact that the presence of the horses seems to be enjoyed by the guests (as per reviews) leads me to find it is a feature of the hotel.

#### Argued 'Planning Unit 2' – 'Car Sales and Residential'

- Motor2Go employees park on the land next to the agricultural barns;
- the hardstanding, together with use for car sales, is used for the storage and servicing of agricultural machinery used on the wider site (under the canopy);
- the Company Secretary of Motor2Go lives in Garden Cottage;
- the offices serve a 'Head Office' function, including for Denham Mount;
- horse stabling within the Coach House (PCN response);
- Mr Al-Amood parks his 6 cars on the hardstanding notwithstanding that he resides in the Denham Mount villa;
- the gardener (who resides in the Coach House) gardens across the wider site and also helps out and cooks breakfast in the hotel;
- as well as use for car sales, the hardstanding is used by hotel and marquee event guests (as above) and there hasn't been recognisable physical separation between the marquee and the hardstanding which acts as an event 'car park';
- the marquee has been tied to a lorry container on the hardstanding.

#### Argued 'Planning Unit 3' – 'Agricultural (Cattle)'

- agricultural machinery is serviced and/or stored on the hardstanding (under the canopy<sup>6</sup>) used for car sales by Motor2Go or in the agricultural barns across the wider site to the north outside which Motor2Go and hotel employees park;
- the grazing licence agreement says that the land is located within the wider estate grounds and remains under the Licensor's overall possession and control. The Licensor is Mr Ahmed Al-Amood of Motor2Go and retains the right to enter, 'always use' and manage the land. Entry by the licensee can only be made between 7am-7pm and prior notice must be given to Mr Al-Amood if coming outside of these hours. The land 'forms part of a private managed estate'.

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<sup>6</sup> I observed a tractor there on my site visit

#### Argued 'Planning Unit 4' – 'Garden Cottage'

- the access used is through the gate to the wider estate situated to the north, rather than the one leading directly from Hollybush Lane to the cottage's garage within the curtilage;
- the garage seems unused for parking and parking takes place beyond what would be recognised as the curtilage of the cottage without, in my view, clear physical separation from the wider estate;
- Ms Alves resides in the cottage and is the manager and event co-ordinator of Denham Mount and the Company Secretary of Motor2Go. I acknowledge that there is an Assured Shorthold Tenancy and evidence that Ms Alves pays her own bills, and that her statutory declaration says that no other person has access to the property. However, for the reasons given earlier, I place significant and greater weight on the PCN response which indicated that users of the wider site have access to the cottage and that Ms Alves has free access to the wider site. Ms Alves did not give live evidence at the Inquiry and nothing said at the Inquiry by the appellant's witnesses (or any other evidence) dissuades me from the view that Garden Cottage is used in functional connection to the wider estate (as the Lodge was) by personnel occupying it for purposes related to uses on the wider estate.

#### Argued 'Planning Unit 5' – 'Green Tiles'

- access used is through either of the communal gates used by others accessing parts of the wider estate;
- parking takes place beyond what would be recognised as the curtilage of the building (either to its north or south) without, in my view, clear physical separation from the wider estate;
- I acknowledge that there is an Assured Shorthold Tenancy and evidence that Mr Ahmed pays his own bills, and that his statutory declaration says that he and his family have exclusive access to the property and the garden. However, for the reasons given earlier, I place significant and greater weight on the PCN response which indicated that users of the wider site have access to the property and that Mr Ahmed has free access to the wider site. I do not find the statutory declaration to be right that the garden is 'fully fenced' as there is a significant opening at the rear providing access to and from the parking area next to the barns used by employees of Motor2Go and the hotel. It seems likely that the garden of the property is used as a cut-through by parkers of the vehicles to and from the wider estate. The alternative would be to take a much longer route on foot out of the site gates and along Hollybush Lane (unlit and no footway) before re-entering the site, and I find that very unlikely. Mr Ahmed did not give live evidence at the Inquiry and nothing said at the Inquiry by the appellant's witnesses (or any other evidence) dissuades me from the view that Green Tiles is not functionally and physically separate from the rest of the site.

#### Argued 'Planning Unit 6 – 'Agricultural (Horse Grazing)'

- horse stabling within the Coach House (PCN response);
- horses (from somewhere on the site) go on to the land around the hotel;

- the gardener (who resides in the Coach House) works on trees across the wider site;
- agricultural machinery is serviced and/or stored on the hardstanding (under the canopy) used for car sales by Motor2Go or in the agricultural barns across the wider site to the north outside which Motor2Go and hotel employees park.

Argued 'Planning Unit 7 – 'Agricultural (Horse Grazing)'

- the licence agreement says that the land (being fields intersected by the approach drive to the villa from the Lodge) is expressly subject to the right of the landlord and its agent, invitees or servants to use it for other purposes as it may require – and that the licensee agrees to move livestock should the landlord wish to use it for event hire purposes. The landlord's contracted right to use the land for an event is suggestive of a functional connection between the fields and the Denham Mount use for hotel accommodation and event hire. That connection is also suggested by the evidence of horses entering the hotel environs and their presence being enjoyed by its guests;
- horse stabling within the Coach House (PCN response);
- the gardener (who resides in the Coach House) works on trees across the wider site;
- agricultural machinery is serviced and/or stored on the hardstanding (under the canopy) used for car sales by Motor2Go or in the agricultural barns across the wider site to the north outside which Motor2Go and hotel employees park.

Argued 'Planning Unit 8' – 'Former Agricultural Barns'

- Motor2Go and hotel employees park on the land next to the agricultural barns;
- hay is stored in the barns to attract deer to Denham Mount;
- agricultural machinery used across the wider site is stored in the agricultural barns.

Conclusion on Ground (b)

21. For all of the reasons given above, ground (b) does not succeed on the case made about the planning unit and succeeds only in part (on the matters conceded by the Council) on the case made about uses that have occurred comprising the mixed use that has been brought about upon the land.
22. Accordingly, I am removing from the notice allegation the uses of commercial parking, storage, vehicle repairs and maintenance. I am also making amendments to the notice requirements so that the mixed use consistent with my findings is required to cease.
23. I am satisfied that no injustice would be caused by these amendments. The parties are in agreement that they would reflect the on-site realities and would cause no surprise. Both parties have been able to make full cases as to the activities that are occurring on site and the mixed use that has resulted.

24. My findings on ground (b) have not prevented the appellant from making a ground (a) appeal, nor caused any prejudice in that respect. The appellant could have run a ground (b) argument together with a ground (a) case, arguing that the aforesaid uses were not occurring as stated in the notice (which would have been successful in that scenario, as it has been now) and the deemed planning application would have been considered on the basis of the corrected allegation. Indeed, that in my experience is a common appeal practice. The appellant has not been lacking in professional advice.

*Ground (f)*

25. For success on this ground, I must be satisfied that the requirements of the notice are excessive in achieving its purpose. It is explicitly stated in the notice that its purpose is to remedy the breach of planning control.
26. As no appeal on ground (a) has been made, my power to vary the terms of the notice under s176(1) of the Act cannot be used to attack the substance of the notice.
27. As far as the hardstanding is concerned, the breach of planning control in that respect is the laying of hardstanding which facilitated the unauthorised mixed use. The requirement to rip up and remove the hardstanding therefore only relates to the facilitating layer of tarmac which has been laid (as indicated on the enforcement plan) and not whatever pre-existing materials existed in parts or all of the ground beforehand. It is not excessive to restore the same ground profile as before the unauthorised development, or to re-seed it given that grass had grown extensively over the area (please see Appeal B).
28. I do not find it vague or excessive for the notice to require the removal of paraphernalia including but not limited to pods, marquees and all temporary structures brought onto the land in connection with the unauthorised mixed use. The appellant should have the best knowledge of the previous condition of the land before the breach.
29. The requirement to remove 'all materials and debris' resulting from compliance with steps of the notice (where such occurs) is not excessive in restoring the land to its condition before the breach took place.

*Ground (g)*

30. For success on this ground, I must be satisfied that the 6-month compliance period of the notice falls short of reasonable.
31. The notice requirements will necessitate arrangements for bringing the unauthorised activities comprising the mixed use to an end/potential relocation, and a significant amount of physical works. Further, I am also aware of another appeal (Ref: 6005496) that has been made concerning the development of Denham Mount into a hotel and restaurant, which will be considered at a Hearing on 23 June 2026 and which as I understand it will encompass the area of hardstanding. It would be reasonable to allow a reasonable time for that appeal to be determined before requiring the appellant to rip up the entirety of the hardstanding, since any permission may allow some or all of it to remain.
32. Taking all these factors into consideration, I find that 8 months is a reasonable compliance period and I am varying the notice accordingly. Ground (g) succeeds to this extent.

## Appeal B

### *Ground (b)*

33. For success on this ground, I must be satisfied on the balance of probabilities that matters stated in the notice said to constitute a breach of planning control have not in fact occurred. The burden of proof sits with the appellant.
34. Notwithstanding the nature and condition of the ground beforehand, the appellant 'acknowledges that there may have been a recent overlay of tarmac material which might represent a more recent intervention'<sup>7</sup>. I have seen photographs of this layer of tarmac hardstanding being laid<sup>8</sup>.
35. Accordingly, I am not satisfied to the required standard of proof that the laying of hardstanding has not in fact occurred. Ground (b) does not succeed.

### *Ground (c)*

36. To succeed on this ground, I must be satisfied on the balance of probabilities that matters stated in the notice do not constitute a breach of planning control. The burden of proof sits with the appellant.
37. The appellant argues that the laying of the hardstanding does not constitute development as defined by section 55 (1) of the Act, and therefore does not require planning permission. The basis for that argument is that it is said that the works undertaken were 'simply repair works to the existing surface'<sup>9</sup>.
38. The appeal site, over which a large area of tarmac hardstanding has been laid, was previously occupied by Green Tiles Nursery and there were a number of associated structures erected on the land such as greenhouses and polytunnels. The appellant has provided photographs of the land from when the nursery was operation (several are date-stamped 2015) and I have considered these, and the evidence as a whole, very carefully. It seems to me the pre-existing ground over the appeal site had elements of hardstanding. However, the photographs also show quite extensive coverage of grass between hard form<sup>10</sup> and I am not persuaded that it is likely that there was the degree and expanse of hardstanding present that is anywhere comparable to that targeted by the notice. Moreover, rather than repairs to what had existed, I find that an entirely new act of operational development has taken place which has changed the physical characteristics of the land.
39. As an alternative case, the appellant also argues (rather broadly) that the hardstanding benefits from express planning permission<sup>11</sup> under earlier planning permissions granted in connection with the land's operation as a nursery. Whilst past permissions are cited (and some provided in evidence), the appellant makes no sufficiently precise and unambiguous case demonstrating that they allow the development targeted by the notice – and there is nothing I have seen that persuades me that any consent in the planning history does.

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<sup>7</sup> Appellant's Grounds of Appeal, Paragraph 51

<sup>8</sup> Council's Statement of Case, Pages 23-25

<sup>9</sup> Appellant's Grounds of Appeal, Paragraph 16

<sup>10</sup> While some photographs show patches of grass growing through poorly maintained hardstanding, the abundant growth of grass in other areas leads me to find that the areas of hardstanding were limited across the site.

<sup>11</sup> It is not argued the hardstanding benefits from general planning permission under permitted development rights.

40. For these reasons, I am not satisfied of the balance of probabilities that the laying of hardstanding does not constitute a breach of planning control. Ground (c) does not succeed.

*Ground (d)*

41. For success on this ground, the appellant must demonstrate on the balance of probabilities that enforcement action was not possible on the date the notice was issued.
42. The Council issued the notice on 11 March 2025. The photographs to which I have already referred, showing the tarmac being laid, appear to have been taken on an officer site visit in July 2021.
43. The provisions of section 171B(1) of the Act provide that, in relation to the appeal development, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed.
44. Accordingly, as the operational development was substantially completed within 4 years of the notice being issued, I am not satisfied that it was too late for the Council to take enforcement action when it did. Ground (d) fails.

*Ground (a) and the deemed planning application*

Main Issues

45. The main planning issues in the appeal are:
- the effect of the hardstanding on the setting of designated heritage assets;
  - whether the hardstanding is inappropriate development in the Green Belt;
  - the effect of the hardstanding on the openness of the Green Belt;
  - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Designated heritage assets

46. Denham Mount was built in the early 19th century as an early Regency-style Italianate country villa with associated buildings and surrounding gardens. The villa and the former stable block (now known as Mount Cottage) are individually Grade II Listed. The National Planning Policy Framework (the Framework) is clear that listed buildings, as heritage assets, are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations<sup>12</sup>.
47. Significance derives not only from a heritage asset's physical presence, but also from its setting. I have applied the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and had special regard to the desirability of preserving the settings of the listed buildings.

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<sup>12</sup> Paragraph 202

48. The special interest of Denham Mount is primarily associated with the example it provides as a rare and celebrated illustration of a country house in the Cottage Ornée style of the Picturesque tradition, set within its landscaped grounds and supported by its functional estate buildings<sup>13</sup>.
49. Before the appeal development, the nursery had ceased to operate and the horticultural structures on the appeal site had been removed. Grass had grown extensively over the appeal site (whatever lay beneath it). This is shown to be the case from aerial photography from 2019 to the point of the unauthorised laying of the hardstanding in 2021. These photographs – and also the streetview image of October 2020<sup>14</sup> – show a verdant area where, to a significant degree, any signs of previous development had blended into the landscape.
50. While the appellant has made very limited submissions on the effect of the development on heritage matters<sup>15</sup>, I place significant weight upon – and entirely agree with – the submissions of the Council’s Heritage Officer:

*The position of the unauthorised tarmac area is directly west of the main house, Denham Mount (GII) and south of the former stables, now known as Mount Cottage (GII). Essentially it is located within the area of the former kitchen garden, which formed part of the original designed landscape for the villa.*

*Whilst the planted features of the garden have not been in situ for some time the verdant grassed area provided a sympathetic alternative to the setting of these listed building and an essence of the designed landscape. By contrast, tarmac is an entirely alien material within this part of the garden and landscape. Dark in colour, unduly flat, harsh in appearance and reflective when wet, Tarmac is considered to be entirely incongruous to the setting of these listed buildings, particularly in this locality of the former kitchen garden and especially considering the extent of which it has been laid.*

51. For these reasons, the settings of the listed buildings is harmed and not preserved. Having regard to paragraphs 212 and 215 of the Framework, whilst the harm caused to the significance of the listed buildings would be less than substantial, it is a matter of considerable weight and importance. Furthermore, in this case there are no public benefits which would outweigh the harm caused.

#### Green Belt

52. The appeal site falls within the Green Belt. Chapter 13 of the Framework stresses that the Government attaches great importance to Green Belts.
53. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework says that development in the Green Belt is inappropriate, apart from certain specified exceptions.

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<sup>13</sup> Appeal Decisions APP/Y1110/W/23/3319354, APP/Y1110/Y/23/3319355

<sup>14</sup> Council’s Statement of Case, Page 65

<sup>15</sup> I place no weight on the appellant’s screenshot of a planning consultancy’s website briefly highlighting a successful appeal granting permission for hardstanding in a front garden within a London Conservation Area. It does not appear to be a materially similar case and, in any respect, I have not been provided with the details. If anything, the reference to the successful appeal is not helpful to the appellant’s case as the development in the highlighted case increased levels of soft landscaping.

54. One of the Framework exceptions (at paragraph 154.g)) is limited infilling or the partial or complete redevelopment of previously developed land (PDL) (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
55. However, I do not consider the site to be PDL because the Framework excludes from the definition 'land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'. For the reasons I have already given, I find that to be the case.
56. Further, even were the land PDL, the very large expanse of hardstanding laid down in the context of the relatively open verdant site that had existed from 2019 causes substantial harm to the openness of the Green Belt (notwithstanding the nursery development before, albeit with its light horticultural structures and less impactful ground surfaces). For the same reasons, the exception in paragraph 154.h) cannot apply as regards engineering operations since openness is not preserved. It also follows, given my findings on heritage matters, that the exception in paragraph 155 cannot apply – the land cannot be 'grey belt' as the harm I have identified to the settings of listed buildings excludes it from the definition by way of application of footnote 7.

#### Other considerations

57. The appellant says that the hardstanding is essential and necessary for the uses to which it is put. However, as the main use appears to be for unauthorised car sales I give that consideration very limited weight.
58. The appellant says that established garden centres within the local area have significant amounts of hardstanding. While photographs and addresses of the mentioned sites have been submitted (and also noting of course that the appeal site is not - as a matter of fact - in use as a garden centre), I do not have any further details to assess their materiality to the appeal development before me. It has not even been made explicit whether the land in those cases is within the Green Belt. I also have considered the appeal development on its merits. I therefore give this consideration very limited weight.
59. The appellant says that the development is economically sustainable in facilitating the commercial operations and parking of vehicles on the site. As above, I give this issue very limited weight as the car sales use is unlawful.
60. The appellant says that the development is socially sustainable as the hardstanding enhances safety when accessing and exiting the appeal site. I give that consideration moderate weight.
61. The appellant says that the development is environmentally sustainable as the layer of tarmac is a solution which would otherwise mean the removal of the underlying material and the deposit of large amounts of waste. I give this consideration modest weight, partly due to it being unclear why the prior residual matter could not have simply been left as it was given my finding that it had essentially blended into the landscape to produce a verdant open space.

### Green Belt Planning Balance and Conclusions

62. Paragraph 153 of the Framework indicates that in considering any planning application, substantial weight should be given to any harm to the Green Belt. Accordingly, as I have found harm to the Green Belt I apply substantial weight in respect to it. I have also found that (less than substantial) harm is caused to the listed buildings to which the Framework requires I attach great weight.
63. Having considered all matters raised in support of the appeal development I conclude that, collectively, they do not clearly outweigh the totality of the harm I have identified. Accordingly, very special circumstances do not exist and the development is contrary to the guidance in the Framework and Policies GB1 of the South Bucks District Local Plan and CP8 of the South Bucks Local Development Framework Core Strategy Development Plan Document which together seek to protect the Green Belt and the historic environment.
64. The appeal development does not accord with the development plan as a whole, and there are no other considerations which outweigh that finding. I shall not grant planning permission, there being no planning conditions apparent which could make the development acceptable. Ground (a) fails.

#### *Ground (f)*

65. For success on this ground, I must be satisfied that the requirements of the notice are excessive in achieving its purpose.
66. It is explicitly stated in the notice that its purpose is to remedy the breach of planning control. It legitimately and reasonably does that by requiring the land to be restored to its condition before the breach took place. The appellant seems very aware of the condition of the land before the breach took place so should have no difficulty in appreciating what is required, and of course the photography from 2019-2021 I have previously mentioned will assist. The appellant requests that the notice should require only the more recently introduced tarmac to be removed, whilst permitting the underlying material to remain. However, that seems to me what the notice is requiring (along with grass re-seeding and any necessary re-profiling to restore the land to the pre-existing condition) and so the requirements are not excessive and do not need varying. For these reasons, ground (f) does not succeed.

#### *Ground (g)*

67. For success on this ground, I must be satisfied that the 4-month compliance period of the notice falls short of reasonable.
68. The extent of the hardstanding is large and it will take some time to arrange the works, for them to be completed and for the significant quantities of waste to be removed. Further, the appellant will need to make logistical arrangements to remove the vehicles situated on the hardstanding and to relocate the commercial operations. There is also the matter of the other appeal made (Ref: 6005496) concerning the development of Denham Mount into a hotel and restaurant, which has been set down for a Hearing on 23 June 2026, and those proposals would seemingly encompass the area of hardstanding. It would be reasonable to allow a reasonable time for that appeal to be determined before requiring the appellant to rip up the entirety of the hardstanding, since any permission may allow some or all of it to remain.

69. Taking all these factors into consideration, I find that 8 months is a reasonable compliance period and I am varying the notice accordingly. Ground (g) succeeds to this extent.

*Andrew Walker*

INSPECTOR

## **APPEARANCES (Appeal A)**

FOR THE APPELLANT: Lord Charles Banner KC, Emma Dring

They called

Ahmed Al-Amood  
(Director, Blacksmiths  
Palace Limited)

Stephen Jupp (Agent)

FOR THE LOCAL PLANNING AUTHORITY (LPA): Nick Grant

He called

Stephanie Penney  
(Planning Enforcement  
Team Leader)

INTERESTED PERSONS: None

DOCUMENTS accepted after the opening of the Inquiry

- 1 Folder of plans submitted on behalf of the appellant ('Amended Hardstanding Plan' and 8 plans said to show 8 planning units)