



Appeal Decision

Site visit made on 29 June 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 08 July 2026

Appeal Ref: APP/N0410/C/25/3368460

246 Swallow Street, Iver, Buckinghamshire SL0 0HT

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr James Smith against an enforcement notice issued by Buckinghamshire Council.
- The notice was issued on 23 May 2025.
- The breach of planning control as alleged in the notice is 'Without planning permission, the material change of the Land to a mixed use comprising equestrian, and:
 - a) Residential,
 - b) Storage,
 - c) Vehicle sales
 - d) Parking of vehicles associated with the unauthorised useand to facilitate the unauthorised mixed use, operational development comprising:
 - i) The erection of 4 buildings;
 - ii) The siting of storage containers;
 - iii) The creation of a hard surface area.
- The requirements of the notice are to:
 1. Cease the use of the Land for the unauthorised mixed use of equestrian and:
 - a) Residential,
 - b) Storage,
 - c) Vehicle sales
 - d) Parking of vehicles associated with the unauthorised use
 2. Demolish and remove from the Land the four buildings (shown labelled A, B, C and D on the attached aerial photograph labelled 1 and as shown by the attached photographs labelled A, B, C and D);
 3. Remove the storage containers from the Land, including but not limited to all bases, skirts and connections;
 4. Break up and remove from the Land the hard surface area (shown within the area outlined by a black line on the attached aerial photograph labelled 2, except for the area hatched in black);
 5. Restore the Land to the condition it was in prior to the commencement of the unauthorised development;
 6. Remove from the Land all materials, debris, plant and equipment associated with steps 1 to 5 above.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(c) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is corrected then upheld as set out in the Formal Decision.

Preliminary Matter

1. The appeal was made on ground (c). However, evidence from both main parties goes to matters better contemplated under ground (d). The appellant was given an opportunity to confirm whether ground (d) was to be considered but did not respond. Accordingly, I have determined the appeal solely on ground (c).

Enforcement Notice

2. It is important that the notice is in order. The Council's appeal statement sets out that the alleged breach of planning control omits the words '*use of*' between '*change of*' and '*the Land*'. I will correct this minor typographical error under section 176(1)(a) of the Act without injustice to any party.

Ground (c)

3. Ground (c) is that the matters stated in the (corrected) notice do not constitute a breach of planning control.
4. For ground (c) to succeed, the onus is firmly on the appellant to demonstrate, on the balance of probability, that the mixed use of the Land and the operations to facilitate it is not development that requires planning permission or that planning permission has already been granted.
5. However, the appellant's statement of case is limited to essentially that buildings and hardstanding are immune from enforcement action by passage of time. Some evidence is provided which is said to support this claim but there is little to substantiate what is under consideration in ground (c).
6. The Council has set out in detail why it considers the mixed use and operations is development that requires planning permission and why none has been granted. This evidence is unchallenged, and I see no reason to disagree.
7. The appellant has therefore not demonstrated, on the balance of probability, that the matters stated in the (corrected) notice are not a breach of planning control. As a result, Ground (c) fails.

Conclusion

8. Given the outcome of ground (c), the appeal does not succeed.

Formal Decision

9. It is directed that the enforcement notice is corrected as follows:
 - Section 3 – insert the words '*use of*' between '*change of*' and '*the Land*'.
10. Subject to this correction, the appeal is dismissed and the enforcement notice is upheld.

Robin Buchanan

INSPECTOR