



Appeal Decision

Site visit made on 29 June 2026

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th July 2026

Appeal Ref: APP/N0410/C/24/3347247

Land at Small Acres Farm, Stoke Common Road, Fulmer, Buckinghamshire SL3 6HA

- 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 Mark Cleary against an enforcement notice issued by Buckinghamshire Council.
- The notice was issued on 23 May 2024
- The breach of planning control as alleged in the notice is: Without planning permission, a material change of use of the Land, to a mixed use comprising of agricultural and residential and to facilitate the unauthorised use, the erection of a dwelling.
- The requirements of the notice are to:
 1. Cease the unauthorised residential element of the mixed use of the Land.
 2. Demolish the building (marked in the approximate position shown hatched on the attached plan)
 3. Remove all paraphernalia that has been brought onto the Land in connection with the unauthorised residential use, from the land.
 4. Remove all materials and debris resulting from complying with Steps 1-3 of this notice.
- The period for compliance with the requirements is: Within 9 months of this Notice taking effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

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

The Enforcement Notice

1. Section 173 of the Act requires an Enforcement Notice to specify the steps that the Council requires to be taken, or the activities which they require to cease, to remedy the breach of planning control or injury to amenity, as the case may be. Consequently, the steps set out in section 5 of the Enforcement Notice (EN) must align with the allegation. To achieve this, Step 2 is varied to replace reference to *'the building'* with *'the dwelling'* to be consistent with the wording of the allegation.
2. This variation would not result in injustice to either party, as the appellant has understood that the EN seeks the removal of the dwelling. The variation does not therefore alter the substance of the alleged breach or expand the scope of the EN but merely ensures that the requirements properly reflect the allegation to which they relate and provide precision.

Preliminary Matters

3. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Given the changes to Green Belt policy within the Framework, the parties were invited to comment on whether Paragraph 155 of

the Framework has any relevance to their cases. The comments received have been considered in my assessment.

4. The appellant has provided updated information regarding the machinery and livestock numbers on the site, as these have changed since the appeal statement was submitted in November 2024. The Council was given the opportunity to comment on the updated information and confirmed that it did not wish to make any further representations. I have taken the updated figures into account in determining the appeal.
5. The EN alleges a material change of use of the land to a mixed use and the erection of a dwelling to facilitate that use. However, the alleged change of use is intrinsically linked to, and results from, the erection and residential occupation of the dwelling on the land. Therefore, my assessment principally concerns the erected dwelling and the residential use associated with it.

Appeal on Ground (a) and the Deemed Application for Planning Permission

6. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are:
 - whether the development is inappropriate in the Green Belt having regard to any relevant development plan policies and the Framework;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the Burnham Beeches Special Area of Conservation;
 - the effect of the development on biodiversity; and;
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including whether there is an essential need for a dwelling to accommodate a rural worker at the site, so as to amount to very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

7. The site is located within the Green Belt. Paragraph 153 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development in the Green Belt is inappropriate unless it meets one of the exceptions set out in Paragraph 154 of the Framework. The exceptions include buildings required for agriculture or forestry.
8. Policy GB1 of the South Bucks District Local Plan (Local Plan) aligns with the Framework and provides that, within the Green Belt, planning permission will not be granted for development other than certain specified forms of development, including development for agriculture or forestry and material changes of use, provided that the change preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

9. Whilst the appellant asserts that the rural worker's dwelling can be considered as an agricultural building in accordance with the exception at paragraph 154(a) of the Framework, I do not agree. The dwellings' primary purpose is residential occupation. Although it is intended to support the agricultural enterprise operating from the site, it is not itself a building for agriculture. Consequently, the dwelling does not constitute development for agriculture within the meaning of paragraph 154(a) of the Framework. The extent to which the development preserves the openness of the Green Belt and accords with Policy GB1 of the Local Plan is a separate matter, which I consider below.
10. The appellant refers to appeal decision APP/X0415/W/21/3285706 in support of its position that the dwelling would not be inappropriate development. However, this decision assessed compliance with a development plan policy that is no longer in effect and is therefore of limited relevance to the determination of this appeal. In any event, each appeal must be considered on its own merits having regard to the prevailing development plan and other material considerations.
11. Paragraph 155 of the Framework makes provision for a further exception to inappropriate development. This provision was introduced in the 2024 Framework and as a result is not reflected in the Local Plan. It is therefore a material consideration in this appeal.
12. Paragraph 155 details that the development of commercial and other development in the Green Belt should not be regarded as inappropriate where all the following apply:
 - a) the development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan,
 - b) there is a demonstrable unmet need for the type of development proposed,
 - c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework, and
 - d) where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the Framework.
13. The term 'Grey Belt' is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that in either case, does not contribute to any of the purposes (a), (b) or (d) in paragraph 143.
14. The parties agree that the appeal site does not strongly contribute to purposes (a), (b) or (d) in paragraph 143 and as a result it complies with criterion (a) of paragraph 155 and the definition of Grey Belt. It is therefore relevant to consider whether the development accords with criteria (b) to (c) in paragraph 155. Given the Golden Rules apply to major development involving the provision of housing, criterion (d) is not relevant to this appeal.
15. With reference to criterion (b), Footnote 56 details that a demonstrable unmet need, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years. The Council accept that they are unable to demonstrate a five year housing land supply and that the development satisfies criterion (b).

16. In relation to criterion (c), I have had regard to paragraphs 110 and 115 of the Framework. Paragraph 155(c) requires consideration of whether the development is in a sustainable location and, in doing so, I have had regard to the nature of the development. The site is located within a rural area and is not well served by public transport. I recognise that paragraph 110 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be considered in decision-making. I also acknowledge that the dwelling is situated adjacent to the agricultural enterprise and therefore reduces the need for regular commuting journeys between a separate residence and the site.
17. However, notwithstanding that benefit, the occupier will remain reliant on a private car for most trips, including access to shops, services, healthcare and other facilities. The nearest settlement is not readily accessible by safe and convenient means, and there is no genuine choice of transport modes available. Considering both the nature of the development and the locational advantages arising from its proximity to the agricultural enterprise, I nevertheless find that those benefits are insufficient to outweigh the site's relative isolation and the resulting dependence on private car travel for most journeys. I therefore conclude that the development would fail to satisfy criterion (c) of paragraph 155 of the Framework.
18. For the above reasons, the development does not fall within the exceptions to inappropriate development listed in the Framework. It therefore comprises inappropriate development in the Green Belt.

Openness

19. Openness is identified within the Framework as one of the essential characteristics of the Green Belt, comprising both spatial and visual aspects. In spatial terms, the dwelling introduces built form onto a previously undeveloped part of the site. Regardless of its modest height and single-storey form, the dwelling has a significant physical presence and occupies a measurable volume within the Green Belt. Therefore, it reduces the amount of open land and erodes the spatial openness of the site.
20. Whilst the dwelling harms the spatial openness of the Green Belt, its effect on visual openness is more limited. The building is set well away from the public highway and is largely enclosed by mature vegetation. In addition, its single-storey form and modest height reduce its prominence. Consequently, views of the dwelling are largely confined to within the site itself, and its impact on visual openness is therefore limited. For the reasons given above, the dwelling results in a loss of Green Belt openness, resulting in substantial harm to the Green Belt. It therefore fails to comply with Policy GB1 of the Local Plan.

Burnham Beeches Special Area of Conservation

21. The appeal site is located within 5.6km of the Burnham Beeches Special Area of Conservation (SAC). Ancient, pollarded beech and oak trees are the main features of importance for nature conservation. The trees are important because of the quantity and quality of the decaying wood habitat found within them and the species that are associated with this increasingly rare habitat.
22. The Conservation of Habitat and Species Regulations 2017 (as amended) (the Regulations) imposes a duty on the competent authority to consider whether a

development may have a significant effect on the conservation objectives of such sites either alone, or in combination with other plans and projects within the context of an Appropriate Assessment.

23. The erected dwelling is likely to result in additional recreational pressure locally on sensitive areas and such activity could cause disturbance to the species that are associated with this rare habitat. Whilst the increase in population from the development alone is small, it is likely that in combination with other developments, it will have a significant impact on the integrity of the SAC.
24. The Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Supplementary Planning Document (SPD), sets out a strategic approach to mitigate such adverse impacts, and details mitigation measures, that would be funded by financial contributions at a specified tariff per dwelling.
25. The appellant has submitted a Unilateral Undertaking (UU) to secure a financial contribution of £2,023.87 towards the Burnham Beeches SAC Strategic Access Management and Monitoring Strategy (SAMMS), together with the Council's monitoring fee of £545. The Council has raised concerns regarding the form and drafting of the undertaking, noting that it does not fully accord with the template provided by the Council and omits a number of provisions ordinarily included within its standard format.
26. These omissions include certain standard clauses relating to matters such as the preservation of the Council's statutory powers, severability, statutory undertakers and section 73 permissions. The Council also identifies several drafting inconsistencies, including the absence of an index-linked contribution and an error in the appeal reference number.
27. Whilst the submitted undertaking does not follow the Council's preferred template in all respects, there is no requirement that the planning obligation must adopt this particular format. The key consideration is whether the obligation adequately secures the mitigation necessary to address the impacts of the development. In this case, the UU secures both the SAC contribution and the monitoring fee identified by the Council as necessary to mitigate the effects of the development on the SAC.
28. Accordingly, notwithstanding the Council's concerns regarding the drafting of the UU, I am satisfied that it secures the financial mitigation required by the SPD. As a result, the development does not adversely affect the integrity of the SAC, either alone or in combination with other plans and projects. It therefore complies with Core Policy CS9 of the South Bucks Core Strategy¹ (Core Strategy), the SPD and paragraph 193(a) of the Framework.

Biodiversity

29. Policy CP9 of the Core Strategy does not permit new development that would harm landscape character or nature conservation interests unless the importance of the development outweighs the harm caused, there are no reasonably available alternative sites that would result in less or no harm, and appropriate mitigation or compensation measures are secured to achieve a net gain in biodiversity.

¹ Adopted February 2011

30. The Council asserts that the appellant has failed to demonstrate a net gain in biodiversity. This claim is based on an allegation that the submitted biodiversity metric does not account for the removal of broadleaf trees visible on historical Google Earth imagery. The appellant disputes this assertion and maintains that no broadleaf trees have been removed from the appeal site.
31. The Council's concern is not supported by evidence. The Biodiversity Net Gain Assessment was prepared using a site survey undertaken on 21 May 2024 and a pre-development assessment based on aerial photography from April 2020. The report concludes that the woodland habitat on the site remains broadly the same, with very little evidence to suggest that any woodland trees have been felled, and that any vegetation clearance was limited to small areas of bramble scrub, bracken and ruderal vegetation. Furthermore, the ecological assessment notes that, whilst the MAGIC mapping identifies the area as broadleaved deciduous woodland, the site was found on inspection to comprise mixed woodland with a broadly similar number of coniferous and broadleaved trees. The report therefore expressly addresses the woodland resource on the site and concludes that no significant woodland loss has occurred.
32. As a result, the biodiversity metric reflects the baseline conditions and the habitat changes arising from the development. The submitted metric demonstrates an increase from 16.61 baseline habitat units to 18.38 post-intervention habitat units, representing a net gain of 1.77 habitat units (10.63%).
33. The appellant has therefore submitted a detailed ecological assessment, habitat survey and statutory biodiversity metric, all of which were prepared using site-specific survey data. These documents conclude that the woodland habitat on the site has remained broadly unchanged, with no significant loss of woodland habitat identified. They further demonstrate that biodiversity enhancements, including the creation of approximately 3,100m² of species-rich grassland and the planting of 25 native trees, would secure the identified net gain.
34. In light of this evidence, the development demonstrates compliance with the biodiversity requirements of Policy CP9 of the Core Strategy as it has been demonstrated that it can deliver a measurable biodiversity net gain of 10.63%. Accordingly, it would not harm the nature conservation interests and objectives of Policy CP9 of the Core Strategy.

Other Considerations

35. The submitted Agricultural Appraisal, produced by Landscape Land and Property and dated June 2024, advises that a dwelling is required to be within sight and sound of the ewes and lambs on the holding. However, only one of the site's fields is located close to the dwelling and, during my site visit, most of the ewes and lambs were housed within a barn situated at the opposite end of the holding. Similarly, the pigs were located at the far end of the site. Consequently, these animals were neither within sight nor hearing distance of the dwelling, which calls into question the assertion that residential occupation of the site is necessary to provide the level of supervision described in the Agricultural Appraisal.
36. The Council's agricultural consultant accepts that livestock breeding can, in some circumstances, create a need for a worker to live at the holding. However, the appellant has provided limited information regarding the scale, frequency and duration of lambing and other breeding activities. As a result, the evidence does not

demonstrate that the enterprise generates an essential functional need for a worker to reside permanently on the site. Moreover, the holding benefits from a farm office providing rest facilities, a kitchenette, toilet and washing facilities. This would enable the appellant to remain at the site for extended periods during lambing and other critical husbandry operations without the need for a permanent dwelling.

37. The appellant also contends that the scale of the enterprise generates a requirement for more than one full-time labour unit and that this need will increase as the business expands. In support of this position, the Agricultural Appraisal includes a labour assessment which concludes that the holding requires approximately 1.15 full-time equivalent workers. Whilst this may indicate a need for labour to operate the enterprise, it does not follow that such labour must be provided by a worker residing permanently on the holding. The evidence does not identify any routine activities that require a continuous on-site residential presence, nor explain why those tasks could not reasonably be undertaken through attendance from nearby accommodation.
38. The Agricultural Appraisal further concludes that the enterprise has been planned on a sound basis, referring to investment in livestock, land, equipment and farm buildings. Whilst I acknowledge that investment has been made in the holding and that further development is proposed, these matters do not in themselves demonstrate an essential functional need for residential accommodation at the site. Nor have I been provided with sufficiently detailed financial and operational evidence demonstrating that the proper functioning of the enterprise depends upon a worker living permanently on the holding.
39. Reference has also been made to animal welfare, previous criminal incidents, dog attacks on livestock, and the risk of theft of machinery, equipment and fuel. Whilst I recognise that these are legitimate concerns for any agricultural enterprise, limited evidence has been submitted regarding their frequency, nature or severity. Furthermore, it has not been demonstrated that such matters could not be adequately addressed through alternative security measures, management practices or the use of existing buildings for storage. Consequently, I am not persuaded that these considerations establish an essential need for permanent residential occupation of the site.
40. Drawing these matters together, I find that there are periods, particularly during lambing and other intensive husbandry activities, when regular attendance at the holding is beneficial. However, the issue before me is whether there is an essential functional need for a worker to live permanently on the site. Having regard to the evidence before me, I conclude that no such need has been demonstrated. Whilst the dwelling would undoubtedly provide convenience and operational benefits, the proper functioning of the enterprise has not been shown to depend upon permanent residential occupation of the holding.

Green Belt Balance

41. I have found that the development is, in principle, inappropriate development in the Green Belt when assessed against the Local Plan and the Framework and in accordance with the Framework, I shall give this substantial weight. The development also negatively affects the spatial openness of the Green Belt and this harm is afforded substantial weight.

42. Reference has been made to the long-standing agricultural use of the site and the assertion that no other planning policies would be compromised by the development. Whilst I acknowledge those matters, they neither weigh in favour of nor against the development and are therefore neutral factors in the planning balance.
43. Factors weighing in favour of the development include its contribution to the Council's housing supply and the operational advantages arising from the appellant residing on the holding. Whilst I acknowledge that living on the site would provide a degree of convenience and assist in the day to day management of the enterprise, I have found that an essential need for a permanent dwelling has not been demonstrated. I attach moderate weight to these benefits. Combined, the other considerations do not clearly outweigh the substantial harm to the Green Belt identified. The VSC required to justify the development does not, therefore, exist. It is therefore contrary to Policy GB1 of the Local Plan and Chapter 13 of the Framework.

Conclusion on Ground (a)

44. For the reasons given above, I conclude that the appeal scheme is contrary to the development plan, and material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal on ground (a) therefore fails.

Appeal on Ground (f)

45. An appeal on ground (f) is brought on the grounds that the steps required by the notice, exceed what is necessary to remedy any breach of planning control which may be constituted by the matters stated in the notice as constituting a breach of planning control, or, as the case may be, remedy any injury to amenity which has been caused by such breach.
46. The EN requires the unauthorised residential use to cease, the dwelling to be demolished, and all associated paraphernalia brought onto the land in connection with the residential occupation to be removed. Therefore, I am satisfied that the purpose of the EN is to remedy the breach of planning control.
47. Section 177(1) of the Act allows me to grant planning permission in respect of the matters stated in the Notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the Notice relates. In this context, the appellant asserts that it is unnecessary to demolish the dwelling as it could be removed instead. In addition, it is claimed that the requirement to remove all paraphernalia in connection with the unauthorised residential use is unclear.
48. The appellant's suggested alternative of removing, rather than demolishing, the dwelling forms part of the matters alleged in the EN, as it relates to the material change of use which constitutes the breach of planning control. Similarly, the appellant's comments regarding the removal of paraphernalia associated with the unauthorised residential use concern the requirements directed at remedying that breach. As such, I am able to consider these matters under Section 177(1) of the Act.

49. Given that the dwelling is a building, I am not persuaded that its removal would be an appropriate alternative to demolition. The appellant has provided insufficient evidence to demonstrate that the dwelling could be removed from the site as a single unit rather than dismantled. In the absence of such evidence, I find that the requirement to demolish the building is necessary to remedy the breach of planning control.
50. Whilst the appellant is concerned that the reference to "all paraphernalia associated with the unauthorised residential use" could include water and sewage services, I do not consider that the requirement is ambiguous. Construed reasonably, the term refers to items associated with the residential use rather than fixed service connections. In the context of the EN as a whole, the requirement is sufficiently clear and precise for compliance purposes.
51. Given that I have found that the requirement to demolish the dwelling is necessary, and the requirement to remove paraphernalia associated with the unauthorised residential use is sufficiently clear and precise, I conclude that the steps required by the EN do not exceed what is necessary to remedy the breach of planning control. Therefore, the ground (f) appeal fails.

Appeal on Ground (g)

52. An appeal on ground (g) has been made on the basis that the period for compliance specified in the EN is unreasonably short. The appellant contends that a period of 13 months is required to safeguard the welfare of livestock and the security of equipment currently on the site. It is also argued that a revised planning application would take a minimum of 13 months to submit, determine and implement. However, the purpose of a compliance period is to allow sufficient time to carry out the steps required by the EN, rather than to provide an opportunity to pursue alternative development proposals. Consequently, the time that may be required to prepare and determine a further planning application carries little weight in this regard.
53. Furthermore, the enterprise benefits from a farm office which provides a suitable area for rest, together with kitchenette, toilet and washing facilities. This enables the appellant to safeguard the welfare of livestock when required without reliance on the unauthorised dwelling. I note that the Council raises no objection to a longer compliance period. Nevertheless, in determining what constitutes a reasonable period for compliance, I have had regard to the planning harm arising from the unauthorised development and the need to remedy the breach of planning control without undue delay. I have also considered the practical arrangements associated with the demolition of the dwelling. In my view, the 9 month compliance period strikes a proportionate balance between allowing sufficient time to complete those steps and securing the timely remediation of the breach. I am not persuaded by the evidence before me that a period of 13 months is necessary. Accordingly, the ground (g) appeal fails.

Conclusion

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

Formal Decision

55. It is directed that the Enforcement Notice is varied by:

- the deletion of the words “*Demolish the building (marked in the approximate position shown hatched on the attached plan)*”

and substitute with the words:

“*Demolish the dwelling (marked in the approximate position shown hatched on the attached plan)* in requirement 2 of section 5 of the EN.

56. Subject to the variation, 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.

V Goldberg

INSPECTOR