



Appeal Decision

Site visit made on 21 May 2026

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2026

Appeal Ref: APP/N0410/C/24/3357606

Land at The Blue Ball Public House, Asheridge Road, Asheridge HP5 2UX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Carl Slaughter against an enforcement notice issued by Buckinghamshire Council.
- The notice was issued on 8 November 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 (sui generis) comprising of a public house. and the stationing of a mobile home for residential occupation and facilitative operational development consisting of the laying of hardstanding and the erection of fencing.
- The requirements of the notice are to:
 - 1 Cease the use of the land, outlined in black on the attached plan, for the stationing mobile home for residential occupation;
 - 2 Remove the mobile home from the land shown in the approximate locations labelled on the attached on the plan and;
 - 3 Remove all connections, bases, skirts, plinths and steps serving all mobile from the land, outlined in black on the attached plan;
 - 4 Rip up and remove the hardstanding shown in the approximate location hatched in black on the attached plan;
 - 5 Remove the fencing from the land shown in the approximate location labelled on the attached plan;
 - 6 Back fill any holes or level changes created by the removal of the hardstanding from the land and seed the land with grass seed (shown in the approximate position marked hatched on the attached plan);
 - 7 Remove all paraphernalia that has been brought onto the land in connection with the unauthorised use, from the land;
 - 8 Remove all materials and debris from the land, arising from complying with steps 1 – 7 of this notice.
- The period for compliance with the requirements is: 9 months.
- The appeal is proceeding on the ground[s] set out in section 174(2)(b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Decision

1. It is directed that the enforcement notice is varied by:
 - Deletion of the words within the allegation at paragraph '3.' "the laying of hardstanding and",
 - Deletion of the requirement at paragraph '5.4' "Rip up and remove the hardstanding shown in the approximate location hatched in black on the attached plan";
 - Deletion of the requirement paragraph '5.6' which states "Back fill any holes or level changes created by the removal of the hardstanding from the land and seed the land with grass seed (shown in the approximate position marked hatched on the attached plan)"; and

- Deletion of “1 – 7” within paragraph ‘5.8’ of the requirements and their replacement with “1, 2, 3, 5 and 7 as originally numbered”.

Subject to the corrections, the appeals are dismissed, and the enforcement notice is upheld.

Preliminary Matters

2. A previous appeal (Ref APP/X0415/W/23/3323449) relating to a refused retrospective planning application for the mobile home, was dismissed in 2024. I am not dealing with the planning merits in this appeal.

Appeals on ground (b)

3. To succeed on ground (b), it is incumbent on the appellant to demonstrate that the matters which are stated in the allegation have not occurred, as a matter of fact. There is no dispute that the site has been the subject of a material change in its use as alleged. The appellant however considers that some of what the notice refers to as the “facilitative operational development” was in place prior to the material change of use taking place. Specifically, the appellant’s submissions state that the concrete hardstanding on which the mobile home has been stationed pre-existed it and has not been increased in area. There is no dispute that at least some concrete was laid in order to accommodate the mobile home with the appellant saying that this was just levelling-up of a pre-existing concrete ramp.
4. I have little evidence about what pre-existed the stationing of the mobile home. However, I saw on site what I consider in common sense terms to be an area of concrete that has been in place for a considerable time, due to its weathered appearance which is consistent with the appellant’s submissions. On top of some of that older concrete, newer concrete is also evident by reason of it looking fresher and less weathered. The informal margin between the older and newer concrete is also very noticeable.
5. What the appellant states in these respects is credible when I could see clearly the old and new concrete in profile. It appears on the balance of probabilities that the extent of concrete has not been increased. It would be more accurate to describe this as a minor levelling of the hardstanding. As such, this should be removed from the allegation because as a matter of fact and degree, it was an immaterial change to the pre-existing concrete hardstanding.
6. I have broad powers to correct or vary the notice under s176(1)(a) and (b) but this can only be undertaken where it would not cause injustice to the appellant or to the Council. To make the necessary variation as set out above, it would make very little difference to the arguments proffered by the main parties on this or the other grounds of appeal. I consider that this could be undertaken without causing injustice to either of them.
7. I will be changing way in which the allegation is worded and consequent variations are necessary to remove requirements 4 and 6 as well as altering 8 to reflect the change.
8. What has been alleged therefore requires correction and to that extent, the appeal on ground (b) succeeds. The remainder of the grounds of appeal will therefore be considered in relation to the corrected wording.

Appeal on ground (c)

9. The appeal on this ground is that what is alleged does not constitute a breach of planning control. The onus is upon the appellants to demonstrate their case. There is no dispute however that the breach of planning control, which is clearly stated as the material change of use, is a breach of planning control and in that respect this ground of appeal must fail. The dispute relates to what has been stated in the allegation as the facilitative operational development specifically the fencing. This is a matter for the appeal under ground (f) because it relates to whether the steps required exceed what is necessary to achieve the purpose of the notice.
10. As such the appeal under ground (c) fails.

Appeal on ground (d)

11. This ground of appeal is that at the time the notice was issued, it was too late to take enforcement action with the onus on the appellant to demonstrate their case, on the balance of probabilities. It is not suggested that the material change of use including the residential use took place more than 10 years prior to the issuing of the notice. That is not immune from enforcement action.
12. The appellant has confirmed that their appeal on this ground relates to the concrete underneath and around the mobile home. I have already addressed this above and have varied the notice to account for the changes to the concrete base. There are no other matters that need to be addressed under this ground.
13. This appeal under ground (d) therefore fails.

Appeal on ground (f)

14. The appeal on this ground is that the steps required exceed what is necessary to achieve the purpose of the notice. The Council has confirmed that the purpose of the notice is to remedy the breach of planning control, the purpose within s173(4)(a) of the Act. The requirements bear that out in necessitating that everything that has been undertaken is ceased or removed.
15. A notice can in these respects require the removal of operational developments which would otherwise not require planning permission. The appellants consider that the fencing between the concrete hardstanding and the adjoining field would be permitted development under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), Schedule 2, Part 2, Class A. That class permits minor developments in the form of gates, fences, walls and other means of enclosure subject to a number of limitations.
16. I have no evidence that the fencing was in existence prior to the stationing and residential use of the mobile home. It appears to have had a functional purpose to separate the residential area from the field. It may be that the fencing could be re-erected under permitted development rights if there became a need for fencing here as the enforcement notice does not interfere with permitted development rights. However, given that I agree with how the allegation is worded making it clear that the fencing is facilitative development, it does not matter whether or not it would be lawful if looked at separately under the provision of the GPDO. It is not a separate development, it has enabled the use to take place and the notice does not go too far in requiring the fencing to be removed.

17. Once the site is restored to its former condition, it may not be a breach of planning control to bring a caravan, such as a mobile-home, back to the site and use it for lawful purposes on the land. However, it is reasonable to require it to be removed in order to secure the remedying of this breach because it is the mobile-home that has enabled the residential use to take place.
18. Overall therefore, the requirements go no further than is necessary to remedy the breach. The appeal under ground (f) fails.

The Appeal on ground (g)

19. The appeals on this ground are that any period specified in the notice falls short of what should reasonably be allowed. The notice currently allows for 9 months.
20. The mobile home is occupied by staff members. In the previous appeal decision, the inspector considered the need for staff to live on site along with the other merits of the case. I am also asked to consider the difficulties that such staff would have if they could not live on site.
21. The appeal site is in a rural area which is not very accessible by public transport and the pub needs staff to help secure its success for the future. Given the location and need to travel from elsewhere, I can appreciate that it will be difficult for staff particularly when travelling at unsociable hours. Only generalised statements have been provided about these matters though. I have no specific evidence to indicate that staff could not find alternative accommodation by the time the 9 months has expired.
22. The 9 month period that the notice gives is a reasonable time to undertake the necessary work. Whilst the occupancy by staff is an asset for the pub, overall it has been determined previously that the mobile home in this location does not comply with the development plan and National Planning Policy Framework. It is necessary to strike a reasonable and proportionate balance between the public interest of securing compliance with national and local planning policies as well as the requirements of the business. In my view, based upon the evidence presented, the period for compliance already strikes the correct balance.
23. The appeal under ground (g) therefore fails.

Conclusion

24. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with corrections.

Andy Harwood

INSPECTOR