



Appeal Decision

Site visit made on 24 August 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2026

Appeal Ref: APP/N0410/C/25/3376241

Land at The Woollets, Cherry Tree Lane, Fulmer, Buckinghamshire SL3 6JE

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
 - The appeal is made by Mrs Mona Bhogal against an enforcement notice issued by Buckinghamshire Council.
 - The notice was issued on 17 October 2025.
 - The breach of planning control as alleged in the notice is 'Without planning permission, the erection of an attached garage with a rear box dormer'.
 - The requirements of the notice are to:
 1. Demolish and remove from the Land the attached garage with a rear box dormer, including the metal steps providing access to the first floor, as shown on the attached plans labelled A.
 2. Remove from the Land all materials, debris, plant and equipment associated with step 1 above.
 - The period for compliance with the requirements is: 4 months.
 - The appeal was made on the grounds set out in section 174(2)(a), (f) and (g) of the Act.
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Decision

1. It is directed that the enforcement notice is varied as follows:
 - Section 6 – delete '*4 months*' as the period for compliance and replace with '*6 months*'.
2. Subject to this variation, the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matter

3. The notice was issued after 25 April 2024 and within two years since a related refused planning application for essentially the same development ceased to be under consideration¹. Having regard to sections 174(2A) and (2AA) of the Act, the appeal on ground (a) is therefore barred. Accordingly, there is no deemed application for planning permission under section 177(5) of the Act and the appeal proceeds on grounds (f) and (g) only.

Ground (f)

4. For ground (f) to succeed, the appellant must demonstrate that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control (BPC).
5. The reasons for issuing the notice refer to some amenity considerations but these explain why the Council decided it was expedient to take enforcement action. Taken with the requirements of the notice, it is clear that the purpose of the notice

¹ Council Ref: PL/25/2298/FA.

is to remedy the BPC comprising operational development under section 171A(1) of the Act. Sections 173(3), (4)(a) and (5)(a) of the Act provide that the steps required to be taken by a notice can include restoring land to its condition before the BPC took place by the removal of any building. The requirements would achieve these outcomes and the Council does not seek to under-enforce.

6. The appellant considers that the requirements should allow for the reinstatement of an attached garage that was previously in situ on this part of the Land².
7. However, even if this was at less cost or disruption to the appellant, and accepting that planning enforcement should be remedial, not punitive, there is little evidence this is the Council's expectation. Moreover, albeit similar in description, use, siting and form, the pre-existing garage would be a different development to that which exists, so not part of the matters pursued by the notice. The requirements of a notice cannot be varied so as to result in the grant of planning permission for operations that were not in existence when the notice was issued and, in this case, would anyway exceed what is necessary to remedy the BPC.
8. In any event, there is no ground (a) deemed application for planning permission to potentially consider the planning merits of proposed changes to the development pursued by the notice under ground (f) alone, including any need for it. Even if the pre-existing garage was lawful development by virtue of a planning permission, that benefit was spent once this structure was demolished. There is little evidence to suggest planning permission would not be required to re-instate the pre-existing garage, including its footprint, and need to be the subject of a separate planning application.
9. I appreciate that the notice doesn't prescribe specific works to make good the structure or fabric of the attached parts of the house after demolitions. But such details are largely a matter for the appellant, subject to any planning permission that may be required. On the evidence before me, including what I observed at the site visit, there is little to suggest that complying with the requirements would render main rooms in the house unusable, not secure or open to inclement weather.
10. No other lesser step or obvious alternative was advanced.
11. In these circumstances, the steps required by the notice to be taken are consistent with remedying the BPC, so are necessary, proportionate and not excessive. For these reasons ground (f) fails.

Ground (g)

12. For ground (g) to succeed, the appellant must demonstrate that the 4 month period specified in the notice to take the steps required by it falls short of what should be reasonably allowed.
13. Ground (a) is only absent for procedural reasons and albeit that ground (f) fails, the appellant had a realistic prospect of success on this ground. It is, therefore, unwarranted for the Council to suggest that potentially unnecessary preparatory arrangements for demolitions (with conceivably abortive costs incurred by then in this regard) should have already been made in advance of the outcome of the appeal, so as not to erode the time that it otherwise allowed in the notice.

² Shown in the 'as existing' plans submitted with PL/25/2298/FA

14. Be that as it may, the appellant's requested 6-9 month period nonetheless includes time to reinstate the pre-existing garage, but this is not a requirement of the notice. Nevertheless, making good of the internal or external fabric or structure of significant parts of the house would still be necessary.
15. Moreover, while the garage, including large rear box dormer, is a relatively simple structure and there is little evidence that demolitions would require specialist equipment or machinery, it is over two stories and notable in overall scale and massing. It is also in close proximity to parts of the house, outbuildings and external amenity and circulation space. As a result, demolition works would need to be carefully planned and carried out to maintain the integrity of these structures and ensure the health and safety of workers, the occupants of the house and visitors. The expert opinion of the appellant's contractor in these regards is not challenged by the Council with reciprocal objective expert opinion, such as from a Building Control officer. The appellant would evidently also need to find suitable secure alternative storage for the cars I saw in the garage.
16. Considering all the above, there is no apparent justification for the additional maximum 5 months the appellant seeks (9 months in total). However, I accept that the additional minimum 2 months sought (6 months in total) is justified. While this would perpetuate the harm caused by the BPC, as set out in the notice, it would not be for a further unduly prolonged period. This would also provide an opportunity for the appellant to resolve with the Council works to make good and, if she wished, make an application seeking to reinstate the pre-existing garage. In these respects, the Council has discretion under section 173A(1)(b) of the Act to extend the period for compliance but that would be a separate matter for it.
17. Consequently, on the evidence before me, the 4 month period in the notice to take the steps required by it falls short of what should reasonably be allowed. For these reasons ground (g) succeeds.

Overall Conclusion

18. There is no ground (a) to be considered. Ground (f) fails but ground (g) succeeds, so the appeal is successful to this extent. I shall alter the time period for compliance with the notice accordingly and then uphold the varied notice.

Robin Buchanan

INSPECTOR