



Appeal Decision

Site visit made on 1 September 2026

by **Peter White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 September 2026

Appeal Ref: APP/N0410/C/24/3345455

Land at Willow Tree Farm, Swallow Street, Iver, Buckinghamshire SL0 9QZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Mandeep Brainch against an enforcement notice issued by Buckinghamshire Council.
- The notice was issued on 12 April 2024.
- The breach of planning control as alleged in the notice is: without planning permission, the erection of two scaffold structures clad with tin sheets and two buildings, plus the siting of two secure storage units and two portacabins and the laying of a concrete hard surface.
- The requirements of the notice are:
 - (i) Take down and remove from the Land the two scaffold structures clad with tin sheets labelled A and B on the attached aerial photograph and as shown by the attached photographs labelled A and B.
 - (ii) Demolish and remove from the Land the two buildings labelled C and D on the attached aerial photograph and as shown by the attached photographs labelled C and D.
 - (iii) Remove from the Land the two secure storage units as shown by the attached photographs labelled E and F.
 - (iv) Remove from the Land the two portacabins as shown crosshatched in blue on the attached topographical plan and as shown by the attached photograph labelled G.
 - (v) Remove from the Land the concrete hard surface as shown crosshatched in yellow on the attached topographical plan and as shown by the attached photographs labelled H and I.
 - (vi) Remove from the Land all materials, debris, plant and equipment associated with steps (i) to (v) above.
- The period for compliance with the requirements is: 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 (as amended) ("the Act").

Summary of decision: The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

1. The enforcement notice ("the Notice") relates to items described in the Notice as scaffold structures, buildings, storage units, portacabins and a concrete hard surface. With the exception of the hard surface, the Council state that they have considered each of them to be buildings for the purposes of Section 55(1) of the Act. The appellant has not disputed that and the matter before me therefore relates solely to building or other operations on land and not to the use of the buildings or land.
2. By the time of my site visit scaffold structure A and the two portacabins labelled G had been removed. Building D had also been partially removed, leaving only vertical steel posts and its concrete base. At the visit I was able to access the site and view the remaining buildings and structures externally.

The appeal on ground (d)

3. Appeals on ground (d) are made on the basis that, on the date the Notice was issued, no enforcement action could be taken against the breach of planning control.
4. At the time the Notice was issued, Section 171B(1) of the Act provided that, in relation to a breach of planning control consisting of the carrying out of building, engineering, mining, or other operations without planning permission, no enforcement action could be taken after the end of the period of four years, beginning with the date on which the operations were substantially completed.
5. The appellant's case on this ground relates only to the building labelled 'C' ("Building C") and the concrete hard surface.
6. The onus is on the appellant to make his case and, in order to succeed on this ground, the appellant needs to demonstrate, on the balance of probabilities, that the building and concrete hard surface had been substantially completed before 12 April 2020.
7. But the appellant has not specified when the building or the concrete hard surface were substantially completed. His case is that the presence of a building in this location has remained constant and that the hardstanding has always been present. These claims are not supported by any other evidence.
8. In relation to Building C, the aerial photographic evidence dated 15 April 2020 appears to show the roof of a different structure. The 2014 streetview photograph also appears to show the same structure as that shown in the aerial photograph. Together, these photographs demonstrate that the building in place on 15 April 2020 was a different building to Building C.
9. The aerial photograph dated 30 March 2021 clearly shows the roof of Building C and, with the evidence before me, Building C was erected at some point between 15 April 2020 and 30 March 2021. The whole period of time between these dates is less than 4 years before the Notice was issued.
10. In addition, the photographs do not show a concrete hard surface, and it is not relevant whether there was any other form of hardstanding in place at those times, or previously. In relation to hardstanding, the Notice relates to the 'concrete hard surface', and the evidence demonstrates that it was not in place by 30 March 2021 and was therefore installed less than 4 years before the Notice was issued.
11. The appellant has therefore not demonstrated, on the balance of probabilities, that any part of the development was substantially completed more than 4 years before the Notice was issued. Enforcement action could therefore have been taken against the breach of planning control at the time the Notice was issued.
12. The appeal on ground (d) therefore fails.

The appeal on ground (f)

13. Appeals on ground (f) are made on the basis that the steps required by the Notice exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity caused by any such breach.
14. In this case, the purpose of the Notice is to remedy the breach of planning control.

15. The appellant's case on ground (f) is that Building C and the hardstanding already existed, so they should not need to be removed.
16. However, I found above that neither Building C nor the concrete hard surface existed prior to the period for taking enforcement action and they are part of the breach of planning control against which enforcement action has been taken.
17. In order to remedy the breach of planning control, the entirety of the development comprising the breach must be removed. That therefore includes Building C and the concrete hard surface.
18. There are no lesser steps before me that would remedy the breach of planning control and the appeal on ground (f) therefore fails.

The appeal on ground (g)

19. Appeals on ground (g) are made on the basis that the period specified in the Notice falls short of what should reasonably be allowed.
20. I noted above that some of the requirements of the Notice have already been met, and that works have commenced in relation to compliance with others.
21. I have seen no evidence of the particular operations involved, or that the physical removal of any or all of the components of the breach would be technically difficult. On the evidence before me, including my site visit, the removal of the remaining scaffolding structure and storage units (shipping containers) would be relatively straightforward.
22. Similarly, Building C appeared to be a relatively simple structure and I have seen no evidence that the above ground elements could not be disassembled within a relatively short period of time. With suitable equipment the removal of the concrete hard surface and the floors of Buildings C and D should also be relatively straightforward, along with the building supports affixed to the ground, despite the relatively large area covered.
23. Neither have I seen evidence that any of these operations would require specialist contractors, or that there would be any particular difficulty in securing suitable persons to disassemble, break up or remove them.
24. On the basis of the works alone, including time to secure suitable persons to carry out the works, the 4-month period for compliance is not unreasonable.
25. The appellant also argues that the existing occupiers will require time to find new premises and move, and that health and safety and their human rights must also be considered.
26. However, the onus is on the appellant to make their case, and no information has been provided about who the current occupiers are, what their relationship to the appellant is, what their circumstances and needs are, or what the health and safety considerations are. Neither was I given internal access to the remaining structures and buildings at the site visit to inform any such assessment. The Notice also relates only to the buildings and works, not to the use or uses, and no evidence has been provided setting out the effect of their removal within 4 months on the use or users. I am therefore unable to give any material weight to these considerations.

27. The appellant also advises that time is needed to secure capital to fund the project, and that staging the work in phases would be unviable and unfair to the occupants.
28. The appeal process has afforded the appellant a substantial period of time to secure finance for the work and no viability evidence has been provided. The disputed elements of the development are only a small part of the works and some of the requirements of the Notice have already been partially or fully complied with.
29. I therefore give only very limited weight to the appellant's view that the works need to be carried out as a whole and that it would not be financially viable to carry out the work in stages. I also give no material weight to alleged unfairness towards the occupants, in the absence of any evidence or information to support that claim.
30. Overall, the appellant's request for a period of 18 months would significantly prolong the harm to the Green Belt and the character and visual amenity of the area and it has not been demonstrated that the period specified in the Notice falls short of what should reasonably be allowed.
31. The appeal on ground (g) therefore fails.

Conclusion

32. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Decision

33. The appeal is dismissed and the enforcement notice is upheld.

Peter White

INSPECTOR