



## Directorate for Planning, Growth and Sustainability

Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

planning.csb@buckinghamshire.gov.uk

01494 732950 | 01895 837210

www.buckinghamshire.gov.uk

Ms Karen Crowhurst  
Consult - Parish Clerk

Officer: Stephanie Penney  
Email: [planning.appeals.csb@buckinghamshire.gov.uk](mailto:planning.appeals.csb@buckinghamshire.gov.uk)  
Tel: 01494 732950 / 01895 837210

3 December 2024

Dear Ms Crowhurst

### TOWN AND COUNTRY PLANNING ACT 1990

<b>Site Address:</b>	<b>Bellswood Farm, Bellswood Lane, Iver, Buckinghamshire, SL0 0LU</b>
<b>Alleged Breach:</b>	<b>Appeal against a material change of use of the land to vehicle sales, repairs and storage and to facilitate the use, the undertaking of operational development comprising the formation of a vehicular access onto Bellswood Lane, the laying of hardstanding, the erection of fencing and access gates and the siting of portacabins without planning permission.</b>
<b>Appellant's name:</b>	<b>Mr Paul Kelly</b>
<b>Inspectorate's Ref</b>	<b>APP/N0410/C/24/3350433</b>
<b>Council's ref:</b>	<b>ES/24/00140/OPDEV</b>
<b>Appeal start date:</b>	<b>25<sup>th</sup> November 2024</b>

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by Buckinghamshire Council on 28<sup>th</sup> February 2023.

#### The enforcement notice was issued for the following reasons:

*It appears to the Council that the above breach of planning control has occurred within the last TEN years.*

*The site is located within the Metropolitan Green Belt where there is a presumption against development other than for a limited number of specified exceptions or in very special circumstances. In the opinion of the Local Planning Authority, the unauthorised use does not meet with any of these exceptions and would therefore constitute inappropriate development, which by definition is harmful to the Green Belt. As well as causing harm to the Green Belt by virtue of its inappropriateness, other harm is caused to the Green Belt by way of a reduction in its openness. The NPPF sets out that substantial weight should be given to any harm to the Green Belt. No very special circumstances have been advanced as the harm to the Green Belt, and any other harm cannot be clearly outweighed. As such, the development is contrary to policy GB1 of the South Bucks District Local Plan (adopted March 1999) and section 13 (Protecting Green Belt Land) of the NPPF.*

*In the opinion of the Local Planning Authority, by its very nature, the extent of operational development, unconnected to any agricultural use, has an urbanising appearance which is incompatible with the more rural character of the surrounding area. As such, the development is contrary to Paragraph 130 of the NPPF and saved policy EP3 and GB1 of the South Bucks District Local Plan (adopted March 1999, Consolidated September 2007 and February 2011).*

*In the opinion of the Local Planning Authority, as a result of the location of the site, the use represents unsustainable development that is contrary to local and national transport policy. Taking the location of the site into account and balancing the strands of sustainable development set out in the National Planning Policy*

*Framework, the environmental strand is not met, resulting in an unsustainable form development. The development is therefore contrary to Core Policy 10 of the South Bucks Local Development Framework Core Strategy Development Plan Document (Adopted February 2011) and the aims of the National Planning Policy Framework.*

*The Council does not consider that planning permission should be given, because conditions could not overcome these objections to the development.*

**The enforcement notice requires the following steps to be taken:**

1. *Permanently cease the use of the Land for vehicle sales, vehicle repairs and storage;*
2. *Remove all items brought onto the Land in connection with the unauthorised use, from the Land, including but not limited to vehicles, vehicle parts, tyres, machines and equipment;*
3. *Cease the use of the vehicular access, and where the access has been created, restore the Land to its former level commensurate with the adjacent ground level (shown in the approximate position marked xxxx on the attached plan and shown in photo 1);*
4. *Rip up and remove the hardstanding (shown in the approximate position marked hatched on the attached plan) from the Land;*
5. *Remove the fencing and gates (shown marked by a dashed line on the attached plan) from the Land;*
6. *Remove the portacabins (shown in photo 2) from the Land;*
7. *Seed the Land with grass seed (in the approximate location shown hatched on the attached plan);*
8. *Remove all materials and debris resulting from complying with steps 1 to 6 of this Notice from the Land;*

*The Enforcement Notice seeks a complete remedy to the breach and its purpose, therefore, falls within Section 173(4)(a) of the Town and Country Planning Act 1990. The steps required by this Notice do no more than achieve a complete remedy of the breach by discontinuing any use of the land or by restoring the land to its condition before the breach took place.*

**The appellant has appealed against the notice on the following grounds:**

*(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.*

*(g) The time given to comply with the notice is too short.*

The appeal will be determined on the basis of written representations. The procedure to be followed is set out in Part 2 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009.

If you wish to make comments, or modify/withdraw your previous representation, please use the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk>), or if you do not have access to the internet you can send your comments via post to the Temple Quay House address below:

Adewale Ajibade  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

All representations must be received by 06.01.2025. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. All representations must quote the appeal reference APP/N0410/C/24/3350433.

Please ensure that your representation/s submitted to the Planning Inspectorate are UK GDPR compliant. This is to protect sensitive information about individuals, as all representations will be shared with the

Appellant/Agent and the Local Planning Authority (LPA). Information provided in your representation will be published on the Council's website.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by 06.01.2025.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in appeals" booklet(s) at [www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal](http://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal).

When made, the decision will be published on the Planning Inspectorate's and on the Council's websites.

Yours sincerely

Stephanie Penney  
Enforcement South, East and West Team Leader