



Appeal Decision

Site visit made on 3 May 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/J0350/C/21/3281741

7 Moat Drive, Slough, SL2 5TG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Nadeem Asghar against an enforcement notice issued by Slough Borough Council.
 - The enforcement notice was issued on 21 July 2021.
 - The breach of planning control as alleged in the notice is the use of outbuilding as a self-contained residential unit ("Unauthorised Use") and shown on the attached Plan edged in blue.
 - The requirements of the notice are:
 - (i) Cease the Unauthorised Use.
 - (ii) Remove the kitchen and bathroom from the outbuilding.
 - (iii) Remove the pipework, boiler and connections associated with the kitchen and bathroom.
 - (iv) Remove the internal walls incorporating the shower room and the bedroom.
 - (v) Remove from the Land all materials, rubbish, debris, plant and machinery resulting from compliance with the above requirements.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
-

Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

The appeal on Ground (f)

2. The appeal on this ground is "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters (i.e., the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
3. In this case, the purpose of the enforcement notice is to remedy the breach of planning control. This is clear from the requirements of the notice, which requires the unauthorised use to cease together with the removal of the kitchen, bathroom, pipework, boiler, and connections associated with the kitchen and bathroom, and the internal walls incorporating the shower room and bedroom.

4. The appellant wishes to retain the boiler and connections associated with the shower room and the internal walls containing the shower room and the bedroom and contends that these requirements are excessive since these can be constructed within the outbuilding without requiring planning permission.
5. It is clear that these features have all sustained the unauthorised use of the property as a self-contained residential unit. These facilities are part and parcel of the unauthorised use and should not be viewed in isolation as has been suggested by the appellant. Furthermore, no further evidence has been submitted to demonstrate that the boiler and connections associated with the shower room and the internal walls containing the shower room and the bedroom existed within the outbuilding before the unauthorised use took place. Notwithstanding that these facilities may not require planning permission in their own right, a notice directed at a material change of use, as is the case here, may require their removal to restore the land to its condition prior to the breach. I am therefore satisfied the requirements of the notice is proportionate and do not exceed what is necessary to remedy the breach of planning control.
6. On this basis, the Ground (f) appeal fails.

Conclusion

7. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and a variation.

R Satheesan

INSPECTOR