
Appeal Decision

Site visit made on 14 January 2025

by **Simon Hand MA**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/J0350/C/23/3319262

15 Merton Road, SLOUGH, SL1 1QW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Muazam Hussain against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 23 February 2023.
 - The breach of planning control as alleged in the notice is without planning permission: 3.1 The material change of use of the outbuilding to form a self-contained dwelling and facilitating works (as shown edged blue on the attached Plan); and 3.2 Unauthorised construction of a Canopy Extension attached to the rear of the main dwelling house.
 - The requirements of the notice are 5.1 Cease the use of the Outbuilding as self-contained dwelling 5.2 Remove the kitchen from the Outbuilding; 5.4 Remove all plumbing and associated pipework in connection to the kitchen within the Outbuilding; 5.5 Demolish the canopy extension attached to the main dwelling house; 5.6 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), (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

Preliminary Matters

2. During the course of the appeal the Council accepted the appellant's arguments concerning the longevity of the shower room and, using powers granted under s173A(1), varied the notice removing references to the shower room from requirements 5.2 and 5.4 as well as all of 5.3. Because of this the appellant withdrew their appeal on grounds (c) and (d). The appeal is thus proceeding only on grounds (f) and (g).

The Appeal on Ground (f)

3. This ground is that the requirements are excessive. The notice has already been varied to allow the shower room to remain, but the appellant argues the kitchen is also unrelated to the breach and should be allowed to remain. The breach alleged is a material change of use of the building to form a dwelling. In order to create a dwelling the building needs to be fitted with a bathroom and a kitchen; thus a kitchen is an integral part of the breach. There is therefore nothing excessive in requiring the kitchen to be removed.
4. The ground (f) appeal also suggests the last requirement that any materials etc should be removed from the land is just standard wording that is not relevant here. I agree that most enforcement notices, in my experience, include these words, or a

variation of them. However, that does not make them irrelevant. Their purpose is to ensure the appellant leaves the garden in a tidy state. In this case the kitchen and associated plumbing need to be removed as well as a canopy extension to the rear of the house. Requirement 5.6 means that any debris and other building materials that result from the requirements being carried out are removed from the site. This is perfectly reasonable and not excessive.

The Appeal on Ground (g)

5. I agree with the Council given the withdrawal of grounds (c) and (d) the only possible result of this appeal would be to uphold the notice and cease the residential use. From that moment, it was clear the tenants would need to find somewhere else to live and should have been looking from then. The enforcement notice was varied in May 2023 so the tenants have had nearly 20 months already to find somewhere to live so an additional 6 months is perfectly reasonable.

Conclusion

6. I shall dismiss the appeal and uphold the notice as varied by the Council.

Simon Hand

INSPECTOR