



Appeal Decision

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 28 February 2025

Appeal Ref: APP/J0350/C/23/3335773

7 Furnival Avenue, Slough SL2 1DH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Sabeela Hussain against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 27 November 2023.
 - The breach of planning control as alleged in the notice is 'Without planning permission, the material change of use of the outbuilding (as outlined in blue), with associated facilitating works and its use as a self-contained dwelling ("the Unauthorised Material Change of Use")'.
 - The requirements of the notice are:
 - 5.1 Cease the use of the outbuilding as a self-contained dwelling
 - 5.2 Remove the kitchen and shower room from the outbuilding
 - 5.3 Remove the internal walls incorporating the shower room
 - 5.4 Remove all plumbing, boiler and associated pipework in connection to the kitchen and shower room within the building
 - 5.5 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 six (6) months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected by:
 - In section 3, deletion of the words '*...(as outlined in blue), with associated facilitating works and its...*' and their substitution with the words '*...(as outlined in blue on the attached plan) to...*'.
2. Subject to this correction the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

3. The appellant agrees that it is not essential for me to enter the site to check measurements or other relevant facts. Given the ground of appeal pursued, I am satisfied injustice to the parties does not arise from an assessment of the written evidence only.
4. I have a duty to make sure the notice is in order. In section 3, I shall insert a reference to the plan attached to the notice in the interests of clarity. In this same section I shall remove the reference to 'associated facilitating works' because these internal works do not amount to development in themselves under section 55 of the Act, so do not need to form part of the allegation. I am satisfied that no injustice will be caused to the parties.

Appeal on ground (f)

5. It is clear from the reasons for issuing the notice and its requirements that its purpose is to remedy the breach of planning control alleged and it does not seek to under-enforce. For the appeal on ground (f) to succeed, the appellant must demonstrate 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 the breach of planning control.
6. The appellant contends that requirements 5.2 to 5.5 of the notice are excessive because internal alterations to install a kitchen and shower room in the outbuilding, including internal walls, plumbing, boiler and pipework, is not development under section 55 of the Act.
7. However, the notice is directed at a material change of use so it may require the removal of works integral to and solely for the purpose of facilitating the unauthorised use, so that the land is restored to its condition before the change of use took place. This is even if such works on their own do not constitute development or are permitted development or are immune from enforcement action. It is also irrespective of whether the outbuilding was erected as permitted development and previously used for incidental purposes.
8. There is little evidence that the outbuilding previously contained a kitchen, a shower room and a boiler with associated internal walls, plumbing and pipework. The appellant has not, therefore, demonstrated that these internal alterations were carried out at a time and for a purpose other than as integral to and solely for the purpose of facilitating the use of the outbuilding as a self-contained dwelling.
9. Appeal decisions and caselaw referred to by the appellant are about, or were determined to be, outbuildings used as residential annexes not self-contained dwellings. Those circumstances are not comparable to this appeal about the unauthorised use of the outbuilding as a dwelling, as opposed to what it may or may not be used for in the future and so could contain.
10. The requirements are consistent with remedying the breach of planning control by discontinuing the use of the outbuilding as a self-contained dwelling and, on the available evidence, restoring the outbuilding to its condition before the unauthorised use took place. This could not be achieved by only taking the step in requirement 5.1 so the other steps in requirements 5.2 to 5.5 are not excessive. No other lesser steps are before me.
11. Accordingly, the appeal on ground (f) fails.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction.

Robin Buchanan

INSPECTOR