



Appeal Decision

Site visit made on 16 June 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 08 July 2025

Appeal Ref: APP/J0350/C/24/3352631

8 Wood Lane, Slough SL1 9EA

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Rashed Uzzman against an enforcement notice issued by Slough Borough Council.
- The notice was issued on 9 September 2024.
- The breach of planning control as alleged in the notice is 'Without planning permission, the unauthorised construction of a rear canopy extension and the unauthorised wooden and plastic enclosure to the side of the outbuilding'.
- The requirements of the notice are to:
 - 5.1 Remove the rear canopy extension (constructed of plastic sheeting and timber wooden frame) within its entirety.
 - 5.2 Remove the wooden plastic enclosure attached to the side of the outbuilding.
 - 5.3 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: three (3) months.
- The appeal was made on the grounds set out in section 174(2)(b) and (c) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is corrected then upheld as set out in the Formal Decision below.

Preliminary Matters

1. The appellant considers that when the notice was issued, no enforcement action could be taken against the rear canopy and side enclosure. Though advanced in ground (c) this raises ground (d). The Council has considered ground (d) in its appeal statement so I am satisfied there is no injustice to any party by determining the appeal on this basis. It therefore proceeds on grounds (b), (c) and (d).
2. The appellant claims there was no opportunity to submit a planning application or an application for a lawful development certificate for either structure before the notice was issued. Those procedural matters are not within the remit of my decision and there is no ground (a) deemed planning application to consider planning merits. Ground (d) considers lawfulness on the evidence before me.

Enforcement Notice

3. I have a duty to make sure the notice is in order. A Council aerial photograph shows the rear canopy and the side enclosure in situ as of July 2021. This is before the transitional date of 25 April 2024, so the relevant time period under section 171B of the Act is four years, not ten years stated in the reasons for issuing the notice. I shall therefore correct the notice accordingly. I am satisfied that this will cause no injustice to any party.

Ground (b)

4. For ground (b) to succeed, the onus is on the appellant to demonstrate, on the balance of probabilities, that the matters stated in the notice have not occurred as a matter of fact.
5. The Council's photographs of both structures are time and date stamped May 2024, a few months before the notice was issued. The appellant does not claim that either structure was temporarily removed after the Council's photographs were taken and before the notice was issued. I also saw both structures at my site visit.
6. Consequently, the appellant has not demonstrated, on the balance of probabilities, that there has not been operational development to construct both structures.

Conclusion on ground (b)

7. For the reasons given above, the matters stated in the enforcement notice had, as a matter of fact, occurred at the date the notice was issued so ground (b) fails.

Ground (c)

8. For ground (c) to succeed, the onus is on the appellant to demonstrate, on the balance of probabilities, that the matters stated in the enforcement notice do not constitute a breach of planning control. For example, because this development does not require an express grant of planning permission.
9. The appellant referred to some alleged dimensions of the rear canopy and the side enclosure and provided 'as existing' plans showing both, dated 20 September 2024, shortly after the enforcement notice was issued. Both structures include timber framing and polycarbonate roof panels.
10. However, considering the relevant limitations and conditions, there is little objective evidence from the appellant that the rear canopy or the side enclosure would be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A, D or E – or any other part – of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. I have not been informed that a lawful development certificate has been issued for the rear canopy or the side enclosure, or that express planning permission has been granted. The appellant does not dispute that building operations to erect both structures are 'development' as defined in section 55 of the Act.
11. In these circumstances, the appellant has not demonstrated, on the balance of probabilities, that the rear canopy and the side enclosure did not require an express grant of planning permission or was not a breach of planning control for any other reason.

Conclusion on ground (c)

12. For the reasons given above, the matters stated in the enforcement notice constitute a breach of planning control so ground (c) fails.

Ground (d)

13. For ground (d) to succeed, the onus is on the appellant to demonstrate, on the balance of probabilities, that when the notice was issued it was too late to take enforcement action against the matters stated in the notice. The latest date for

substantial completion of the rear canopy and side enclosure would thus be by 9 September 2020.

14. The appellant claims that when the notice was issued both structures had variously existed for more than 4 years, nearly 5 years or more than 5 years. However, the appellant's photographs are not date stamped so I cannot be certain the details provided means they were actually taken in March and May 2020, as the appellant suggests. The appellant's receipts and an invoice from towards the end of 2019 relate to purchase of building materials and payment for building services. Though addressed to No.8 Wood Lane, these documents do not match the appellant's name without explanation. In any event, they do not demonstrate when the structures were substantially completed. A September 2024 letter from a neighbour states that both structures had been erected for more than four and a half years. But there are no credentials for the witness and it contains an incorrect postcode, all without explanation.
15. Professionally produced 'as existing' plans for No.8 Wood Lane were submitted to the Council in June 2020 as part of a planning application¹. They do not show the rear canopy or side enclosure. The description of the site in the officer report mentions the rear ground floor extension and the outbuilding at this property but not a rear canopy or side enclosure. On the face of it, and without explanation to the contrary, this undermines the suggestion that both structures were substantially complete by March, May or June 2020. There is otherwise little else to show it is more likely than not they were substantially completed by September 2020.
16. These important omissions or discrepancies cast significant doubt in my mind, whereas the burden of proof rests with the appellant. There is no sworn affidavit or a statutory declaration to give greater credence or to otherwise counter my overall impression. Consequently, I give limited weight to the appellant's evidence that is before me.
17. As a matter of fact and degree, the appellant's evidence is not sufficiently precise and unambiguous. There is evidence of substance to contradict it or render it less than probable. The appellant has therefore not demonstrated on the balance of probabilities that the rear canopy and the side enclosure are immune from enforcement action due to the passage of time.

Conclusion on ground (d)

18. For the reasons given above, and on the evidence before me, at the date the enforcement notice was issued enforcement action could have been taken in respect of the breach of planning control. As a result, ground (d) fails.

Overall Conclusions

19. The appeals on grounds (b), (c) and (d) all fail. Accordingly, the appeal is unsuccessful and I will uphold the enforcement notice subject to a correction.

¹ P/17557/001

Formal Decision

20. It is directed that the enforcement notice is corrected as follows:

- In section 4(1) - delete the word '*ten*' and replace with '*four*'.

21. Subject to this correction the appeal is dismissed and the enforcement notice is upheld.

Robin Buchanan

INSPECTOR