



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/24/3341464

3 Gloucester Avenue, Slough SL1 3AW

- 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 Rajvir Singh Dhardwar against an enforcement notice issued by Slough Borough Council.
- The notice was issued on 26 February 2024.
- The breach of planning control as alleged in the notice is 'material change of use of a single dwelling to two separate dwellings'.
- The requirements of the notice are to:
 - 5.1 Cease the use of the property as two separate dwellings.
 - 5.2 Remove any doors, partition, separations or obstruction preventing free passage for all occupants of the dwelling.
 - 5.3 Remove any kitchens so that only one kitchen remains for use of all the occupants of the main dwelling.
 - 5.4 Remove the shower room within the converted garage.
 - 5.5 Remove the door and window to the converted garage and demolish the front wall of the converted garage and reinstate to its former position.
 - 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: Six (6) calendar months.
- The appeal is proceeding on the ground set out in section 174(2)(f) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is corrected and varied then upheld.

Preliminary Matters

1. I have also determined another appeal by the same appellant relating to the same site, though for different development (APP/J0350/C/24/3341468).

Enforcement Notice

2. I have a duty to ensure the notice is in order.
3. I agree with the appellant that requirement 5.1, which refers to use of 'the property' as 'two separate dwellings', is vague in that it is not explicit which dwelling use must cease. Preventing use of No.3 Gloucester Avenue as a house would not achieve what is plainly intended by the Council and the notice taken as a whole. The appellant does not dispute the thrust of requirement 5.1 to cease the material change of use of the converted garage as a separate dwelling, so as to result in one dwelling on the land instead of two. I shall therefore correct requirement 5.1 to make it clear that it is the use of the converted garage as a separate dwelling that should cease.

4. I also agree that requirement 5.3 to 'remove any kitchens' and the term 'main dwelling' is vague. I will correct this requirement to more precisely mean remove the kitchen within the converted garage.
5. I am satisfied that this will cause no injustice to any party.

Ground (f)

6. The appellant refers to amenity considerations contained in the notice. However, these are part of the reasons why the Council believed it was expedient to take enforcement action. Whereas it is clear from the material change of use and the requirements set out in the notice that its purpose is to remedy the breach of planning control and it does not seek to under enforce. For ground (f) to succeed, the appellant must therefore demonstrate that the steps required by the notice to be taken, including the activity that must cease, exceed what is necessary to remedy the breach of planning control.
7. The appellant contends that as the notice does not allege operational development, just material change of use, requirement 5.1 is sufficient to overcome the planning harm described in the notice. On this basis, the other requirements are essentially said to be superfluous. It is further argued that requirements 5.2 to 5.5 are, anyway, excessive. Either because these works are not development within section 55 of the Act or are granted planning permission by The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), in which case requirement 5.6 should also be omitted.
8. I accept that it is not uncommon for there to be more than a single bath or shower room within the confines of a house (especially one downstairs), though two main kitchens is unusual. Garages can ordinarily be converted to a different incidental purpose for use by a single household as part and parcel of a single dwelling, including additional living accommodation or a residential annexe.
9. However, the Council granted planning permission for the garage subject to a condition that it shall only be used for parking private motor vehicles. There is little to suggest it was not initially used as such, including with an internal door into the house (since locked or blocked up on one side but reopened by the time of my site visit). I have not been informed that the garage contained a kitchen, shower room, toilet or handwash basin before it was converted to a separate dwelling, including that a metal door across most of the front elevation was replaced by a wall with window and front entrance door. It is clear that these internal and external works enabled and sustained the use of the converted garage as a separate dwelling.
10. Because the notice is directed at a material change of use, it may therefore also require the removal of these internal and external works integral to and solely for the purpose of facilitating the unauthorised change of use, which has also prevented the parking of cars. This is so that the land is restored to its condition before the change of use took place and is even if such works on their own would not have constituted development or been permitted development; albeit in this case there is also a condition that effectively precludes such works. Moreover, the GPDO does not grant retrospective planning permission.
11. As a result, there is little to suggest that the appellant has a realistic fallback position in these regards. Nor in these respects that there is an obvious alternative

that would overcome the planning harm set out in the notice at less cost or disruption to the appellant.

12. The enforcement regime is intended to be remedial rather than punitive. I accept that attached garages need not be internally connected by a door to a house, even if they were to begin with. I shall therefore vary the notice by deleting requirement 5.2 with commensurate renumbering of requirements 5.3 to 5.6. The appellant will have first hand knowledge of the changes to the front elevation of the garage, including the inset alignment of the metal door behind the flanking walls either side. This is evident in the Council's before and after photographs and is the plain meaning of 'reinstate to its former position' in requirement 5.5.

Conclusion on ground (f)

13. In these circumstances, I am satisfied that requirement 5.1 (corrected), requirement 5.3 (renumbered 5.2 and corrected) and requirements 5.4 and 5.6 (renumbered) are consistent with remedying the breach of planning control, so are not excessive. But requirement 5.2 is excessive and for this reason ground (f) succeeds.

Formal Decision

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

- delete the wording of requirement 5.1 and replace with '*Cease the use of the converted garage as a separate dwelling*'.
- delete the wording of requirement 5.3 and replace with '*Remove the kitchen within the converted garage*'.

15. It is also directed that the enforcement notice be varied as follows:

- delete requirement 5.2 and consequently renumber requirements 5.3, 5.4, 5.5 and 5.6 as, respectively, 5.2, 5.3, 5.4 and 5.5.

16. Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

Robin Buchanan
INSPECTOR