



Appeal Decision

No Site Visit Made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/T0355/C/25/3361198

Street Record Footpath from Alma Road to Vansittart Road South of Clarence Medical Centre, Windsor

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Noel Dennehy of Hallmanor Ltd against an enforcement notice ("EN") issued by the Royal Borough of Windsor and Maidenhead.
 - The EN was issued on 21 January 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission, the stripping of soil and the formation of a hard surface to form a path, outlined in blue on the attached plan.
 - The requirements of the EN are to: I. Dig up the hard surface outlined in blue on the appended plan and remove all materials from the land; II. Following compliance with step 1, fill in any voids in the land with soil, and restore the land to its condition before the breach took place.
 - The period for compliance with the requirements is: 56 days after this Notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the 1990 Act.
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Decision

1. The appeal is dismissed and the EN is upheld.

Appeal on Ground (f)

2. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy the breach of planning control, or any injury to amenity which has been caused by any such breach.
3. In appealing under ground (f), the appellant has not stated how the steps to be taken are excessive. Instead, they advanced evidence about the planning merits of the case, which are matters that fall outside the scope of ground (f).
4. The steps require the removal of the breach of planning control, the removal of all materials from the land, and to fill any voids and restore the land to its condition before the breach took place. The purpose of the EN is clearly to remedy the breach of planning control and no lesser steps would achieve that purpose.
5. Consequently, the steps required by the EN are not excessive to remedy the breach of planning control. The appeal on ground (f) therefore should fail.

Conclusion

6. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN.

A Berry INSPECTOR