



Appeal Decisions

Site visit made on 19 January 2026

by **Simon Hand MA**

an Inspector appointed by the Secretary of State

Decision date: 4th February 2026

Appeal A Ref: APP/T0355/C/24/3338237

Crown Farm Eton Wick Road, Eton Wick, WINDSOR, SL4 6PG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Nazih Chabat against an enforcement notice issued by Royal Borough of Windsor and Maidenhead.
 - The notice was issued on 4 January 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land to a mixed use comprising car repairs, storage of vehicle parts, storage of shipping containers, storage and parking of vehicles, including outside the area shown with a dotted and dashed Line as '17 metres maximum width of parking' on Drawing No 2 dated March 2013 titled 'Plan Showing Extent of Vehicle Parking' submitted as an application plan for application reference 13/00918 and approved.
 - The requirements of the notice are a) Cease the use of the land for the storage of shipping containers; b) Remove all shipping containers from the land; c) Cease the use of the land for the storage of vehicle parts; d) Remove all vehicle parts from the land except for parts stored inside the lawful industrial building to an extent ancillary or incidental to the lawful use of this building; e) Cease the use of the land for the storage and parking of vehicles; f) Remove all vehicles from the land except for those parked in the area shown with a dotted and dashed line as 17 metres maximum width of parking as per Drawing No 2 dated March 2013 titled 'Plan Showing Extent of Vehicle Parking' submitted and approved as an application plan for application reference 13/00918 and that is appended to this notice marked BB1
 - The period for compliance with the requirements is: 28 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (e), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/T0355/C/24/3338232

Crown Farm Eton Wick Road, Eton Wick, WINDSOR, SL4 6PG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Nazih Chabat against an enforcement notice issued by Royal Borough of Windsor and Maidenhead.
 - The notice was issued on 4 January 2024.
 - The breach of planning control as alleged in the notice is a) without planning permission, the formation of a hard surface. b) Without planning permission, the stripping of soil and the formation of earth bunding.
 - The requirements of the notice are a) Dig up and remove from the land, from the area that is hatched in blue on the attached plan, the hardsurface and all associated materials, including but not limited to stone, rubble, gravel and geo textile membrane; b) Following compliance with step (a) remove the earth bunds from the approx. locations identified on the plan hatched in black and spread over the area hatched in blue.
 - The period for compliance with the requirements is 28 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (e), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decisions

Appeal A - 3338237

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B – 3338232

2. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. Appeal A is proceeding on ground (b), but that ground is that the matters alleged have not happened. Clearly they have, the issue is whether they are ancillary to the main use of the land, which is a matter for ground (c). This appeal therefore fails.
4. The appeals on ground (e) have been withdrawn.

The Appeals on Ground (c)

5. Both appeals A and B raise ground (c) issues. The site originally comprised a large building housing a variety of motor trade businesses with a large concrete apron in front. Since the appeal was lodged the building has burnt down and as I saw on my site visit is currently in the early stages of being rebuilt. There would not seem to be any commercial activities on the site at the moment, although the shipping containers are still there. I have no idea of the planning history of the original building but am assuming the various uses inside were lawful. The key issue is what the surrounding land (currently mostly laid to hardstanding) can be used for. The original use of the land was for agriculture and in 2007 an application for a retrospective planning permission for a change of use to car wash was applied for and refused. A temporary permission was also refused and in 2014 planning permission was granted for an extractor flue on the building, change of use of part of the building for car repairs, a car wash and a car park in front of the building.
6. The 2014 planning permission (13/00918) thus describes the last lawful use of the land. This was subject to a plan (labelled '*plan showing extent of vehicle parking*') which showed the building and a 17m wide strip of hardstanding in front. Conditions were attached to the permission that limited parking of vehicles to the 17m wide strip and prevented any outside storage, particularly of car parts, anywhere on the site. This would include any parking and storage that might otherwise have been considered to be ancillary and the storage of shipping containers or their use for ancillary storage.
7. In 2018 an enforcement notice was issued that alleged the land outside of the 17m wide strip was being used for parking of cars and generally the land was being used for storage. The notice was corrected and upheld on appeal¹. The various corrections meant that car parking could only take place on the 17m wide strip and

¹ APP/T0355/C/3214729 issued 21 June 2019

the intention was that ancillary storage should only be allowed within the building². I am not sure the corrections actually achieved that aim, but it was clearly the intention of the Inspector. It doesn't matter what the corrected notice actually meant as it was subsequently withdrawn by the Council, for reasons that remain unclear to me. However, that does not mean the appeal decision is no longer relevant or valid, it remains a material consideration and it is clear the Inspector was intending to restrict the use of the land to that allowed in 2014. That is commercial activities restricted to the building and parking limited to the 17m wide strip, with no outside storage of any sort. That is, in my opinion, the current lawful use of the site.

8. As the site of the enforcement notices is the same as the site outlined in the 2014 planning permission it follows that any use of the land outside of the building and the 17m wide strip for anything other than agriculture is unlawful and the 17m wide strip can only be used for the parking of cars. The appellant is wrong to assert that the whole site has planning permission and that there are no controls over it. The opposite is the case, as explained above.
9. A large portion of the site has been covered in hardstanding and that is delineated on the enforcement notice plan by blue hatching. The appellant argues this is not a breach of planning control as it is permitted development. The Council suggest that all permitted development rights were removed by condition 9 of the 2014 planning permission. However, that condition refers to Class A of Part 8 of the 1995 GPDO. It includes a reference to any order that supersedes the 1995 Order and currently Part 8 is Part 7. However, Class A of Part 7 is more or less the same as the old Class A and that deals with extensions to industrial buildings. Class C of the old GPDO dealt with hardstandings and that has now become Class J. So it would not seem that permitted development rights for hardstandings were ever removed.
10. However, both Class C of Part 8 and Class J of Part 7 only allow development within the curtilage of the industrial building. It is clear from the aerial photographs that the area hatched in blue that is now covered in hardstanding was grass, and separated from the main area in front of the building by a fence. It is labelled on the plan attached to the 2014 planning permission as a 'horse field' and so it would never seem to have been part of the curtilage of the building and so does not benefit from any permitted development rights for a hardstanding. Both appeals on ground (c) fail.

The Appeals on ground (a)

11. The site lies in the green belt and next to a housing development. The parties were asked to comment on this issue but only the Council replied. The concession in paragraph 155 of the NPPF is somewhat complicated to follow, but the site fails two key issues that mean it is either not grey belt or if it is it does not fall within the paragraph 155 concession. Firstly, grey belt is land within the green belt that does not strongly contribute to 3 of the 5 purposes of the green belt in paragraph 143 of the NPPF. Purpose (a) is to check the unrestricted sprawl of large built-up areas. The site lies in Eton Wick, south of the M 4 and west of the A355 dual carriageway. The major conurbation of Slough lies just to the north and Windsor to the south. Eton Wick thus sits in a very delicate position between the two. The

² See paragraph 27 of the decision letter

countryside is already fragmented by development, including a large commercial use adjacent to the west of the appeal site. The loss of the open space of the appeal site would consolidate the commercial uses and housing to the east into a large block of development. Obviously that in itself would not cause Windsor to merge with Slough, but this whole strip of land between the two contributes strongly to that purpose and its piecemeal erosion would undermine its continued effectiveness.

12. Secondly, if that is incorrect, the development proposed on the grey belt land has to also meet a demonstrable unmet land. I have no evidence that it does and would be surprised if there was such an unmet need for parking and storage in the area that it warranted development on the green belt. Consequently, the use of the land for parking and storage is inappropriate development in the green belt. The laying of hardstanding is an engineering operation that is also inappropriate development as it harms openness. Whilst the hardstanding is flat its sole purpose is to facilitate the uses described above. Thus it does not preserve openness and so does not fall within exception (h) of paragraph 154.
13. The Council also point out the land is in flood zone 3 and requires a risk assessment and also a bio-diversity assessment. The appellant does not address the flood zone issue, but does say the hardstanding would be landscaped which would meet the bio-diversity requirements. It is possible that bio-diversity concerns could be overcome, but the loss of a field to such a large area of hardstanding would require quite a lot of soft landscaping and without any evidence that such landscaping was possible I consider that both the flooding and bio-diversity issues count against the development.
14. No countervailing arguments have been put forward by the appellant. The lawful use of the 17m wide strip should provide for all the parking needs of the uses contained within the building and the building itself should provide space for ancillary storage.
15. The notice also includes the storage of shipping containers. I saw a group of such containers on the land. One was being used for storage itself, but I could not see into the others. The appellant says they are used to store parts associated with the businesses in the building. If that is so, then they are covered by the conditions referred to above. There should be no outside storage at all, whether in shipping containers or not. Thus even if the containers are not themselves being stored but are being used as structures for storage they still require planning permission. They should not be granted planning permission for the same reasons as outlined above. I do not think the notice needs correcting, as it is far from clear there was no storage of containers (rather than use of containers for storage purposes) at the time the notice was issued, and the notice requires them to be removed.
16. The bund had already been removed and no claim for its retention has been made. Thus the appeal on ground (a) fails as the matters alleged in the notice are inappropriate development in the green belt and there are no very special circumstances warranting a grant of planning permission; there is no flood risk assessment nor a bio-diversity assessment.

The Appeals on Ground (f)

17. The ground (f) appeal is mostly an attempt to re-run the grounds (c) and (a). There is no interference with any lawful uses and the historic condition of the site is irrelevant to the question of whether the requirements are excessive. The notice seeks to remedy the breaches alleged and no lesser steps have been suggested that would do so.

The Appeals on Ground (g)

18. I agree that 28 days is a short period of time, but as there are no tenants currently operating from the site as the building has burnt down all that remains is for the various parked vehicles (that were still on the hardstanding) to be removed along with the handful of shipping containers and the hardstanding itself grubbed up and earth spread over the land. That should not take more than 4 weeks so the appeal on ground (g) fails.

Simon Hand

INSPECTOR