



Appeal Decision

Site visit made on 5 February 2026

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Appeal Ref: APP/J0350/C/25/3362428

14 Hawkshill Road, Slough SL2 2BH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mohammed Shuhaib Khan against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 10 February 2025.
 - The breach of planning control as alleged in the notice is 'Without planning permission, the material change of use of the outbuilding, (shown edged blue with a solid blue line on the Plan) with associated facilitating works and its use as a self-contained dwelling.' (the Unauthorised Development')
 - The requirements of the notice are
 1. Cease the use of the outbuilding as a self-contained dwelling
 2. Remove the kitchen from the outbuilding
 3. Remove all plumbing and associated pipework in connection to the kitchen within the outbuilding
 4. Remove from the Land all materials, rubbish, debris, plant and machinery resulting from compliance with the above requirements.
 - The period for compliance with the requirement is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 ('the Act')(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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Decision

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.

The appeal under ground (a) and the Deemed Planning Application (DPA)

2. Where an appeal is made under ground (a), the DPA derives from the allegation which is the material change of use of the outbuilding to a self-contained dwelling. However, the appellant is not applying for planning permission for the unauthorised use and he intends to comply with the requirement to cease the use of the outbuilding as a self-contained dwelling.
3. Instead, the appellant is requesting planning permission to use the outbuilding as ancillary living accommodation for use by the appellant's family only and to retain the bathroom and the kitchen by approving the existing layout. Planning permission was granted on the 16 March 2022 for 'construction of a detached rear outbuilding' subject to a number of conditions which control the use of the outbuilding.
4. There is a condition attached to the planning permission which permits use of the outbuilding for domestic purposes ancillary to the enjoyment of the main dwelling *with no cooking facilities installed* (my emphasis) unless otherwise agreed in

writing with the Local Planning Authority. The conditions also refer to approved plans which includes a layout plan showing a gym area and a shower room but no kitchen. There are, therefore, already conditions in force which control the use of the ancillary outbuilding.

5. There is no scope within the ground (a) appeal to grant a new planning permission with different conditions with regard to ancillary use when the DPA derives from the allegation which is unauthorised self-contained use.
6. I will, however, address whether the requirements relating to the kitchen are excessive under ground (f). As the appellant is not asking for planning permission to be granted for what is being enforced against which is self-contained use, the ground (a) appeal fails.

An appeal under ground (f)

7. Section 174(2)(f) of the Act states that an appeal may be made on the ground that the steps required by the notice to be taken, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. As the notice requires the self-contained use to cease and for various works to be undertaken, the purpose of the notice is to remedy the breach of planning control.
8. The appellant's argument under ground (f) is that the requirement to remove the kitchen is excessive if planning permission is granted under ground (a) to use the outbuilding as 'ancillary annexe accommodation.' However, no planning permission is being granted under ground (a) for the reasons already stated.
9. An enforcement notice directed at a material change of use, such as in this instance, may require the removal of works integral to and solely for the purpose of facilitating the unauthorised use, even if such works on their own might not constitute development or be permitted development, or be immune from enforcement, so that the land is restored to its condition before the use took place¹.
10. The approved plans show a gym with a shower room. The addition of a fully equipped kitchen including a cooker has facilitated the unauthorised self-contained use. The requirements including the requirement to remove the kitchen, plumbing and associated pipework are not excessive when the purpose of the notice is to remedy the breach. The appeal under ground (f) therefore fails.

Other matters

11. The appellant has referred to the conduct of the Council and what he considers to be conflicting advice from council tax and planning officers. Whilst council tax and planning issues operate under different regimes in terms of legislation, any complaints that the appellant has should be made directly to the Council.

¹ Murfitt v SSE [1980] JPL598

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act (as amended).

E Griffin

INSPECTOR