



Appeal Decisions

Site visit made on 10 February 2026

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal A Ref: APP/J0350/C/24/3341781

25 York Avenue, Slough SL1 3HW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Kashmira Singh against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 5 March 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the dwelling house to a large house in multiple occupation (sui generis use) by more than six persons ('the unauthorised change of use').
 - The requirements of the notice are to cease the use of the dwelling house as a large house in multiple occupation (sui generis use) by more than six persons.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) and (c) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.
-

Appeal B Ref: APP/J0350/C/24/3341782

25 York Avenue, Slough SL1 3HW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Kashmira Singh against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 5 March 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the outbuilding with associated facilitating works and its use as a self-contained dwelling ('the unauthorised change of use').
 - The requirements of the notice are: 1. Cease the use of the outbuilding as a self-contained dwelling. 2. Remove the kitchen and bathroom from the outbuilding. 3. Remove all plumbing, boiler and associated pipework in connection to the kitchen and bathroom 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 requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) and (c) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.
-

Decisions

1. Appeals A and B-The appeals are dismissed and the enforcement notices are upheld.

Applications for costs

2. Applications for costs have been made by Slough Borough Council against Mr Kashmira Singh. These applications are the subject of separate Decisions.

Appeal A

Ground (b) and (c) appeals

3. The ground (b) appeal is that the matters stated in the enforcement notice have not occurred. The ground (c) appeal is that those matters, if they occurred, do not constitute a breach of planning control. The burden is firmly on the appellant to show why their appeal should succeed on ground (b) or, failing that, ground (c), the relevant test of the evidence being on the balance of probability. These grounds of appeal are strictly concerned with matters of fact and law; planning merits considerations are not before me.
4. The appeal property contains a semi-detached residential building, in which the living accommodation is arranged over two floors. There are three rooms, along with a kitchen and bathroom, on the ground floor, with three rooms and a second bathroom on the first floor. The notice alleges the material change of use of the building to a large House in Multiple Occupation (HMO) by more than six persons.
5. Dealing firstly with the ground (b) appeal. The Council's evidence included three witness statements from Council officers. The first of these witnesses described a visit to the property on 19 January 2024, when a total of fourteen occupiers of the building were noted, nine occupiers being on the ground floor and five on the first floor. The Council's evidence is precise and unambiguous. It points towards the building being in use as a large HMO shortly before the issuing of the notice.
6. The building is licensed as an HMO for a maximum of seven people living as five households, under the Housing Act 2004. However, the appellant did not supply any clear and compelling evidence to support their claim that the HMO had at no time been occupied by more than six people. For example, no records detailing the rent received or copies of tenancy agreements were made available. Nor am I convinced that a number of the occupiers noted on 19 January 2024 were in fact only visiting the property. The first Council witness did not include two visitors in the total number of the occupiers they counted. Whilst some or all of the (then) occupiers might have arrived from various countries, each having a support network of UK-based friends, the presence of eight visitors on one occasion would be an extraordinarily high number given the relatively modest size of the building. The appellant, along with perhaps some of those occupiers, may well have limited command of the English language. However, I am unclear how this on its own could have led to a misunderstanding over the actual number of persons who occupied the building. Whether the relevant standards and regulations for HMOs applied by other legislation are met has little relevance to my deliberations.
7. It is evident that the use as a large HMO has ceased since the notice was issued. Even so, this has no bearing on the ground of appeal; the last use was as a large HMO and that remains the position. Therefore, on the balance of probability the matter alleged in the notice has in fact occurred. The ground (b) appeal fails.
8. Turning to the ground (c) appeal. A large HMO is a *sui generis* use, or in a class of its own. As a matter of fact and degree, use as a large HMO is materially different in character to use as a small HMO occupied by up to six people falling within Use Class C4, or use as a single dwelling in Use Class C3¹. Accordingly, the use of the building as a large HMO has involved a material change of use, which falls within the definition of development in s55(1) of the Act.
9. The effect of s57(1) of the Act is that planning permission is required for the carrying out of any development of land. However, no grant of planning permission for the material change of use of the building to a large HMO was drawn to my attention. The definition of a breach of planning control in s171A(1) of the Act includes carrying out development without the required planning permission.

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

10. Therefore, on the balance of probability the matter stated in the notice constitutes a breach of planning control. The ground (c) appeal also fails.

Appeal B

Ground (b) and (c) appeals

11. The property contains a freestanding single storey residential outbuilding, located at the rear of the main building. Internally, the outbuilding has a main room currently used for storing domestic furniture items including bedframes, some mattresses and chairs, along with a couple of domestic appliances. There is a bathroom and a separate room, the latter also containing domestic storage including furniture and clothing items. The notice alleges the material change of use of the outbuilding to a self-contained dwelling.
12. Starting with the ground (b) appeal. The first Council witness described the outbuilding as being occupied by four people when they visited the property on 19 January 2024. Supporting photographs show that, on the above date the main room contained a kitchen with a sink and drainer, a hob, a microwave, an upright fridge/freezer and stored food, as well as a sofa chair and a table. Also, the bathroom contained personal care items including hand soap, toothbrushes and toothpaste. Evidence in the other Council witness statements point towards the use as a self-contained dwelling continuing when a further visit was made to the property on 27 February 2024.
13. The Council's evidence is precise and unambiguous. It shows that just before the notice was issued, the outbuilding had the ability to afford to those who use it the facilities required for day-to-day private domestic existence, this being well-established as the distinctive characteristic of a dwellinghouse.
14. The appellant did not supply sufficiently clear and compelling evidence to support their claim that the outbuilding had only been used for storage. They argued that no changes had been made to the outbuilding. However, the internal layout shown on the drawing supplied-i.e., a single space, is markedly different to that noted in January 2024 when the outbuilding contained two separate bedrooms along with the kitchen and bathroom. Also, given the available evidence I find the suggestion that no one had occupied the outbuilding, but that it was accessible by occupiers of the main building, unconvincing. If the outbuilding had merely been used for storage of items such as surplus beds, it is unclear why, as well as kitchen and bathroom facilities, it had two separate bedrooms, each containing double beds and personal possessions, when the first Council witness visited. Therefore, even accounting for difficulties in communication encountered due to language barriers I am unclear how the witness could have been left with a mistaken impression concerning the use to which the outbuilding was being put.
15. It is evident that the use of the outbuilding as a self-contained dwelling has ceased since the notice was issued and the kitchen facilities have subsequently been removed. However, that has no bearing on this ground of appeal for similar reasons to in Appeal A. Therefore, on the balance of probability the matter alleged in the notice has in fact occurred. The ground (b) appeal fails.
16. Turning now to the ground (c) appeal. As a matter of fact and degree, use of the outbuilding as a self-contained dwelling is materially different in character to use for purposes incidental to the use of the main building. The result is a material change of use, falling within the definition of development. Although planning permission is required for the carrying out of development, none was drawn to my attention. The completion certificate issued under the Building Regulations relates to a 'detached building at the rear of the garden for non-habitable use;' it does not grant planning permission to use the outbuilding as a self-contained dwelling. Carrying out development without the required planning permission amounts to a breach of planning control.

17. Therefore, on the balance of probability the matters stated in the notice constitute a breach of planning control. The ground (c) appeal also fails.

Conclusions

18. For the reasons given above, I conclude that Appeals A and B should not succeed. I shall uphold the enforcement notices.

Stephen Hawkins

INSPECTOR