



Appeal Decision

Site visit made on 10 February 2026

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Appeal Ref: APP/T0355/C/24/3339461

The Crown, 108 Wootton Way, Maidenhead SL6 4PE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Zahid Sadiq against an enforcement notice issued by the Council of the Royal Borough of Windsor and Maidenhead.
 - The notice was issued on 23 January 2024.
 - The breach of planning control as alleged in the notice is the material change of use from a drinking establishment to a mixed use comprising drinking establishment and storage of vehicles.
 - The requirements of the notice are: (a) Cease the use of the land for the storage of vehicles.
b) Remove all vehicles from the land, other than those that are parked in connection with the lawful use of the land as a drinking establishment.
 - The period for compliance with the requirements is 28 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (f) and (g) 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.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matter

2. The appeal premises includes a disused pub and its associated car park. The enforcement notice alleges the material change of use of the premises from a drinking establishment to a mixed use comprising a drinking establishment and storage of vehicles. Although currently vacant, I am given to understand that the first floor of the pub has previously been used as residential living accommodation. Use of this accommodation for employees, i.e., live-in managers, would ordinarily be regarded as ancillary to the primary use as a pub. There is little firm evidence before me to suggest that the living accommodation has been other than so used. Accordingly, I am satisfied that the mixed use specified in the allegation is correct.
3. There is no planning application following an appeal made on ground (a) and the relevant fee has not been paid. Therefore, planning merits considerations cannot form any part of my deliberations.

Ground (c) appeal

4. The ground of appeal is that the matters stated in the enforcement notice do not constitute a breach of planning control. The burden is firmly on the appellant to show why their appeal on this ground should succeed, the relevant test of the evidence being on the balance of probability.

5. The appeal on this ground is misconceived. The allegation refers to vehicle storage as a component of the mixed use, not parking. Parking of vehicles in the car park by customers and employees would ordinarily be incidental or ancillary to the primary use as a pub. The vehicles shown in the dated photographs supplied however are unlikely to merely be parked at the premises. The absence of registration plates in a number of instances strongly suggests that the vehicles are not currently in use but are being kept or stored in the car park.
6. Established case law confirms that storage and parking are distinct and mutually exclusive uses.¹ The distinction is that stored vehicles are not currently in use, they have been put away due to not being needed or where their use is not contemplated in the short term. A parked vehicle on the other hand has been left, either for a short or longer period of time, while it remains in use. The vehicle storage is a separate primary use, being neither incidental nor ancillary to the pub use. Accordingly, as a matter of fact and degree, the storage of vehicles at the premises has resulted in a material change of use to the mixed use alleged.
7. The making of any material change in the use of any buildings or land is defined as development in s55(1) of the Act. Planning permission is required for the development of land, having regard to s57(1) of the Act. The definition of a breach of planning control in s171A(1)(a) of the Act includes carrying out development without the required planning permission.
8. Therefore, the appellant has been unable to show that the mixed use stated in the notice does not constitute a breach of planning control. The ground (c) appeal fails.

Ground (f) appeal

9. The ground of appeal is that the notice requirements are excessive.
10. An enforcement notice can have the purpose of remedying the breach of planning control, including by requiring the land to be restored to its condition before the breach took place, or it can seek to remedy any injury to amenity caused by the breach. The notice requires the use for vehicle storage to cease and the removal of the incidences of that use from the premises. This would restore the premises to its condition before the breach took place. Therefore, although the notice does not state as such, its purpose must be to remedy the breach.
11. To avoid any doubt, the notice makes it clear that the parking of vehicles associated with the lawful use of the premises is not prohibited. The appellant advanced no alternative to the requirements and to my mind, nothing less would remedy the breach and so achieve the purpose of the notice.
12. Therefore, the requirements are not excessive; they are a proportionate remedy, being the minimum actions necessary to restore the premises to its condition before the breach took place. The ground (f) appeal also fails.

Ground (g) appeal

13. The ground of appeal is that the time for complying with the notice requirements falls short of what should reasonably be allowed.

¹ *Crawley BC v Hicknet Ltd* [1998] 75 P&CR 500; JPL 210

14. Searching for and securing alternative sites for the use is unlikely to be particularly time-consuming or difficult. An area of open land, possibly hard surfaced and which is sufficiently secure, is probably the most that would be needed. There are likely to be a considerable quantity of suitable sites which would be available to allow the use to relocate at fairly short notice. Removing vehicles from the premises is liable to be a relatively straightforward task and could probably be completed reasonably quickly, either by moving them individually or using a vehicle transporter.
15. Accordingly, the 28-day period specified in the notice is not too short and is reasonable. An appropriate balance is struck between remedying the breach as soon as practicable, whilst not placing a disproportionate burden on the appellant. In any event, the use has ceased since the notice was issued.
16. The ground (g) appeal also fails.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Stephen Hawkins

INSPECTOR