



Appeal Decision

Site visit made on 2 March 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 13 March 2026

Appeal Ref: APP/T0355/C/23/3331977

59 Windsor Road, Maidenhead SL6 2DN

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Tim Watson against an enforcement notice issued by Royal Borough of Windsor and Maidenhead.
- The notice was issued on 21 September 2023.
- The breach of planning control as alleged in the notice is the erection of a detached garage and associated concrete slab.
- The requirements of the notice are to:
 - (i) Demolish the unauthorised detached garage and associated concrete slab using handheld tools only, so as to cause minimum damage to the rooting system to the adjacent trees covered by protection order ref. 071 of 2023.
 - (ii) Remove from the land all building materials and rubble arising from the demolition works, following compliance with step (i) above.
 - (iii) Following completion of step (ii) above, the area of land previously covered by the concrete slab should be de-compacted using a garden fork to prise up the compacted soil, and any resulting discrepancies in soil levels, shall be brought up to the original soil level using topsoil in accordance with British Standards 3882:2015 (Specification for topsoil).
- The period for compliance with the requirements is: 28 days.
- The appeal is proceeding on the grounds set out in section 174(2)(d) and (g) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is varied then upheld.

Preliminary matters

1. The appeal was not lodged on ground (a) so there is no deemed application for planning permission before me. In these circumstances, I am not able to consider the alleged merits or benefits of the development, including proposed works. Nor am I able to grant or refuse planning permission. I note that the appellant has had essentially the same development considered under section 78 of the Act, with that appeal dismissed.
2. The appeal was not lodged on ground (c). The appellant's fleeting references to 'planning approval' for the garage 'granted by Bray Parish Council' is anyway not the same as, and does not mean, that planning permission has been granted by the local planning authority under the Act.
3. The appellant's concerns about the Council's decision that it was expedient to take enforcement action, and its engagement with the appellant in this regard, are not matters for me in this appeal.
4. I have taken account of the appellant's personal circumstances insofar as they are relevant to ground (g).

Ground (d)

5. For ground (d) to succeed, the onus and burden of proof is firmly on the appellant to demonstrate, on the balance of probabilities, that when the notice was issued it was too late to take enforcement action against the erection of a detached garage and associated concrete slab. The latest relevant date for substantial completion of this development would be by 21 September 2019.
6. There is evidence that the concrete slab was laid in October 2015 and a skeletal timber frame constructed on top of it by February 2019 (from what I could see, and in the absence of evidence to the contrary, resting on the slab). Then, that a sheet metal roof was added at least by April 2021, when this open-sided structure was in use as what can only reasonably be described as a carport for planning purposes (Building Control is a separate regulatory regime).
7. The appellant contends that the roof was installed shortly after a Council photograph was taken on 14 March 2019 (which shows just the concrete base and frame) and well before April 2021 (when a Google Streetview image includes the roof). But the appellant does not explain what 'shortly after' and 'well before' means or say when the roof was actually installed. While he has also referred to a permanent roof to replace a temporary roof, these works are said to have occurred on or after 19 June 2020, which is after the relevant date. I have not been directed to any photograph or other objective evidence to corroborate that a roof was in situ before 21 September 2019, nor has the appellant put this in a statutory declaration which might carry more weight.
8. Because I cannot be certain when the roof was in situ, there is little to counter that even this carport was not substantially complete by 21 September 2019. But if I am wrong on this point, it has little effect on the outcome of this appeal, which is about a garage not a carport.
9. The appellant submitted a planning application in February 2019 for a detached garage (part retrospective) which was withdrawn¹. Another planning application submitted in April 2022 for a new detached garage (retrospective) was refused by the Council² and dismissed at appeal³. Plans before me of what the appellant intended the garage in these applications (and appeal) to look like are not disputed. In essence, they show an enclosed building, consistent with a contemporary Council photograph of the garage as it was by May 2022, after the relevant date.
10. By the time of the Inspector's site visit in August 2023, a garage had been substantially constructed and the appellant confirmed not yet fully complete. This decision refers to a garage as by then including shiplap timber elevations and plastic sheeting used in the gable ends of the roof. In other words, a distinctly more enclosed building than a carport, consistent with the plans before me and the May 2022 photograph.
11. There is little to counter that it is the detached garage with associated concrete slab pursued by the enforcement notice, which was issued in September 2023, shortly after the previous appeal. Nor has it been suggested that this building has changed significantly, or at all, since; including as I saw it at my site visit, and what can only

¹ 19/00590/FULL

² 22/00956/FULL

³ APP/T0355/W/22/3310944

be reasonably described as a garage was plainly in use as such, considering the range and nature of domestic paraphernalia inside it.

12. I appreciate that works for the concrete slab were carried out some three and a half years before the timber frame was erected on it. Also, that works for the sheet metal roof followed after a further interval of some two years, then shiplap timber elevations sometime after that and at least by May 2022. But even if these were discrete building operations by virtue of time interval, there is little evidence that the appellant intended or contemplated the concrete base to be a hardstanding for outside open storage use from the outset or to be retained as such; not least given that it was supplanted with a covered carport. Nor that the timber frame or metal roof were conceived and established on the land expressly for an open-sided carport, which was anyway supplanted with the enclosed garage.
13. It is therefore unsurprising and of little practical consequence that 'main' or 'primary' structures on the land using the same concrete slab (otherwise necessary for the detached garage without having to lay a new concrete slab) could be used in this way meantime as a 'fully functioning' building, though not initially as a garage. There is little to suggest other than that this development was interim and these uses temporary, including because of various delays set out by the appellant but mainly in light of what actually happened on the land. As such, little more than convenient or opportunistic pending incorporation of these constituent parts towards a composite building to eventually consolidate a detached garage and associated concrete slab on the land.
14. This is consistent with the holistic approach to the question of substantial completion set out in relevant caselaw put to me⁴. This includes, in essence, that a building cannot be regarded as substantially completed for the purposes of section 171B(1) of the Act if there are outstanding works. It is a matter of common ground, and as I saw, that there are outstanding works to the building in this appeal, such as incomplete or temporary gables and fenestration. While I appreciate that the appellant had put these works in abeyance pending the outcome of the Council's enforcement action and then this appeal, these are nonetheless notable omissions of some substance.
15. Furthermore, in his June 2020 email to the Council (about a site visit by a Council officer in January 2016), the appellant describes the concrete slab as already by then laid 'knowing full well it was for a garage'. He explained in his 7 March 2022 email to the Council that works to 'put the roof and sides on' were 'to create a fully enclosed space suitable for its intended use as a secure garage'. In his appeal statement he also refers to works to 'transform the structure into a fully enclosed and secure garage'.
16. There is then little else to substantiate that the development pursued by the enforcement notice – detached garage and associated concrete base – is severable into these discrete parts. In turn, there is no basis for me to consider a split decision in this appeal, as the appellant alludes to.
17. Taking into account all the above, as a matter of fact and degree, the appellant's evidence is not sufficiently precise or unambiguous and there is evidence of substance to contradict it or render it less than probable. The appellant has not, therefore, demonstrated on the balance of probabilities that the erection of a

⁴ *Sage v Secretary of State for the Environment, Transport and the Regions* [2003] UKHL 22

detached garage and associated concrete slab was substantially complete by 21 September 2019 or that it was immune from enforcement action due to the passage of time. Consequently, when the notice was issued enforcement action could have been taken in respect of this breach of planning control.

18. Accordingly, ground (d) fails.

Ground (g)

19. Individual components forming the timber framework, shiplap timber elevations, plastic sheet gables and sheet metal roof are reasonably basic and straightforward in design and construction. But these parts of the garage, even if not done by the appellant, were constructed piecemeal. They now form a large, reasonably intricate assembled building, especially in height. Furthermore, the requirement to 'demolish' connotes an act of destruction. There is no apparent reason why the appellant should not be able to achieve the same outcome (removal) by careful disassembly, such as to salvage materials. As a result, irrespective of who did the work, it seems more likely than not it would take longer to remove these parts of the garage than the accrued instances of time it took to erect.
20. In addition, even if the appellant prepared the ground for the concrete slab by way of the hardcore base with sand, shuttering and membrane, it was then filled with supplied, pre-mixed concrete in a bulk fluid state. It is now set hard and significant in area and thickness. While it is unlikely that much of it could be salvaged, I would also expect this part of the garage to take longer to remove than it did to establish, especially using hand-held tools, as the notice requires for the reasons given.
21. The appellant might decide to meet the cost of a contractor to carry out the requirements. He had a reasonable expectation of success on ground (d), so would have to look in earnest, after the outcome of the appeal, for a suitable contractor with sufficient availability and who could complete the requirements within the quite short 28 day time period in the notice. It is also possible that a significant quantity of topsoil would need to be imported and require a different contractor. These works could only be carried out once the garage and concrete slab had been removed.
22. Albeit that development was carried out at the appellant's own risk, I accept that the enforcement notice and appeal process has likely caused prolonged uncertainty and distress. There is uncontested evidence that he has significant work and family commitments, including caring responsibilities for his children and wife. He would also need to make other arrangements for domestic storage, home schooling and home working needs that have been met within the house because of the availability of the garage.
23. An unduly short period for compliance with the requirements would therefore likely significantly affect the personal circumstances of the appellant and his family. This would directly interfere with their rights for respect for private and family life, including their home⁵ and their peaceful enjoyment of this possession⁶. I have also had due regard to the age and disability protected characteristics in this case (including substantial or long-term impairment with regard to normal day-to-day

⁵ Human Rights Act 1998, United Nations Convention on the Rights of the Child and United Nations Convention on the Rights of Persons with Disabilities.

⁶ European Convention on Human Rights.

activities) for the purposes of the Public Sector Equality Duty, including the need to eliminate discrimination and advance equal opportunity⁷.

24. The appellant has not suggested a time period and may not be able or willing to meet the contractor's costs, so undertake the work himself, and I am mindful that planning enforcement is intended to be remedial, not punitive. I appreciate that the Council has discretion under section 173A(1)(b) of the Act to extend the period for compliance and this would be a matter for the main parties. But the period specified in the notice must be reasonable to begin with.
25. In light of all the above, and albeit that it would further perpetuate the harm set out in the Council's reasons for issuing the notice, I consider that a period of 4 months for compliance with the requirements of the notice would be reasonable and proportionate in this case. It would also cover spring and into summer, when inclement weather is less likely to interfere with progress, and give opportunity for alternative domestic storage arrangements to be made, even if on an interim basis. I will, therefore, reflect this time period in the notice.
26. Accordingly, the 28 day period given by the notice falls short of what is reasonable, so ground (g) succeeds.

Formal Decision

27. It is directed that the enforcement notice is varied as follows:

- Part 5 time for compliance – delete '28 days' and replace with '*4 months*'.

28. Subject to this variation, the appeal is dismissed and the enforcement notice is upheld.

Robin Buchanan

INSPECTOR

⁷ Equality Act 2010.