



Appeal Decision

Site visit made on 10 February 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Appeal Ref: APP/J0350/C/24/3338804

17 Alexandra Road, Slough SL1 2NQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Adnan Asghar against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 15 January 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the outbuilding on the Land to use as a self-contained dwelling and associated facilitating works ("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 from the outbuilding;
 - 3) Remove all plumbing, boiler and associated pipework in connection to the kitchen; and
 - 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 (6) calendar months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) and (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

Applications for costs

2. An application was made by Slough Borough Council for a full award of costs against Mr Adnan Asghar. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal relates to a small detached outbuilding, positioned at the rearmost end of no 17's land, beyond a passageway that gives access to the rear of the Alexandra Road terrace. I understand that the outbuilding was erected several years prior to the enforcement notice being issued, as an ancillary feature for the enjoyment of no 17. At my site visit I noted that it has been fitted out for use as a self-contained residential unit.
4. This is, at best, a confused case. When the appeal was first lodged against the enforcement notice the appeal form indicated that multiple grounds were being claimed, namely (a), (b), (c) and (f). However, as the appeal process developed the necessary evidence, as promised in correspondence, failed to materialise. Grounds were subsequently withdrawn and a claim as to ground (d) was then introduced in an attempt to demonstrate immunity from planning control.

5. Ultimately, only grounds (d) and (f) now fall to be determined, but there are obvious gaps in the evidence relating to the former which significantly weakens the appellant case. Further, on the latter ground, there has been no material of substance submitted to support the claim that the required steps stipulated in the enforcement notice are excessive given the circumstances.
6. I have had regard to the findings of a Council enforcement officer, who visited the main dwelling at no 17 Alexandra Road in January 2024, and found that an unauthorised single-storey rear extension to no 17 had been erected. It was being used as a self-contained residential unit of accommodation. An enforcement notice was then issued in April 2024 against the extension and the material change of use of a single dwellinghouse into two dwellings, facilitated by the said extension.
7. The appellant says that the Council could have allowed an application for a lawful development certificate to be made so as to avoid the s174 appeal. However, there is nothing that convinces me that any such application would, from the evidence produced in this appeal, that such an application would have been successful. My concerns are due to a clear absence of clarity in the appellant's case, I shall highlight this in my analysis of the ground (d) appeal, below.

The appeal on ground (d)

8. An appeal under ground (d) is that at the time the enforcement notice was issued it was too late for the Council to have taken such formal action as, due to the passage of time, the development was then immune from planning control.
9. The appellant must therefore successfully demonstrate, on the balance of probability, that the breach of control alleged in the notice commenced on or before 15 January 2020 or, in other words, four years before the date of the issue of the enforcement notice, and it has occurred continuously, without any significant breaks since this time. Accordingly, the appellant's evidence should be precise and unambiguous to this end.
10. An outbuilding or annexe is liable for Council Tax if it has been fitted out to function as independent living space, with its own sleeping, cooking and sanitation facilities; thereby being capable of use as separate and self-contained living accommodation. Importantly, it is the case that Council tax is being paid to the Council in respect an unoccupied outbuilding, even if only fitted-out and capable of independent residential use.
11. Ambiguity is illustrated by the content of the appellant's Statutory Declaration which, crucially, does not draw a distinction between no 17's particular elements, as this appeal essentially requires only a clear chronology of the outbuilding which, for the purposes of the appeal, should be treated as a single entity.
12. The Statutory Declaration refers to tenancies granted '*at the rear of the property*', and says that Usman Ghani and Aleena Ghani rented '*the rear of the property*' from October/November 2019 until 20 December 2022. It then says that upon vacating the property a shorthold tenancy was taken up by Amrik Singh and Harleen Kaur. This tenancy continued and Mr Singh has produced a Statutory Declaration to confirm that he was still resident on 7 February 2024.
13. On this basis the appellant's declaration that '*the rear of the property has been separately let since October/November 2019, and the use is continuous without*

any interruption’ is not obvious from the evidence provided which, is far from adequate in this regard. Neither the Tenancy Agreement relating to Mr Singh’s occupation nor his Statutory Declaration throw any real light on which ‘rear’ part of 17 Alexandra Road he occupies.

14. Moreover, there is a lot of largely irrelevant and heavily redacted paperwork, along with what proved as hollow indications that relevant documents would follow. There are no bank statements showing rents paid specifically in relation to the specific letting of the outbuilding, nor is there any information by statutory undertakers that might support the appellant’s claims. The fact that the evidence is so thin, and much failed to materialise, I find telling.
15. To confirm my concerns, an e-mail of 29 January 2024, from the Council’s Electoral Services officer, listed all persons recorded as living at 17 Alexandra Road. The e-mail, though, indicates that there is no record of any annexe at the property contributing to the property’s habitable accommodation.
16. All in all, having had regard to the various paperwork submitted, and the fact that a specific chronology for the outbuilding alone has not been submitted, I have strong doubts as to whether the necessary evidence actually exists to confirm the appellant’s case. If it did, then surely it would have been put forward to support this appeal.
17. In summary, the appellant’s claims are imprecise, ambiguous and, thereby, are far from compelling. The onus is on the appellant to provide the necessary conclusive evidence and, in the absence of such, and for the above reasons, there is no evidence before me to indicate, on the balance of probabilities, that immunity from planning control had been reached by the time the enforcement notice was issued.
18. The appeal on ground (d) does not therefore succeed.

The appeal on ground (f)

19. An appeal under ground (f) is that the steps required by the enforcement notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. The starting point in a ground (f) appeal, therefore, is to identify the purposes of the notice.
20. In a simple case of a building erected without planning permission, if the requirement is to demolish the building the purpose of the enforcement notice is to remedy the breach. The same applies if a notice alleges that there has been an unauthorised material change of use and the steps are to cease the use. The notice at appeal here is clearly a case in point.
21. The next step is to consider whether there is any obvious alternative or lesser step that would achieve the purposes of the enforcement notice with less cost and disruption. The requirements of the notice should also be proportionate in the sense of being the minimum necessary to remedy the breach.
22. The power to vary the terms of the notice under s176(1) of the 1990 Act cannot be used to attack its substance and, in this instance, I consider that the steps for compliance are all necessary to remedy the breach.

23. To reinforce my findings on this matter I note that no lesser steps have been suggested by the appellant.

24. The appeal on ground (f) therefore fails.

T C King

INSPECTOR