



Appeal Decision

Site visit made on 2 June 2026

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05th June 2026

Appeal Ref: APP/J0350/C/24/3351496

Land at and to the rear of 30 Boundary Drive, Slough SL2 4FQ

- 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 Elvis Mbaku Njeik against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 5 August 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, the material change of use of an ancillary garage on the Land as shown edged blue on the Plan to a self-contained dwelling with associated facilitating works.
 - The requirements of the notice are: Cease the use of the garage as a self-contained dwelling; Remove the kitchen and shower room from within the garage and associated plumbing, pipework and boiler; Remove the internal walls incorporating the shower room from within the garage; Remove the internal wall behind the garage door to reinstate the garage; 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 6 calendar months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (d), (f), and (g) of the Act. 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.

Application for costs

2. An application for costs has been made by Slough Borough Council against Mr Elvis Mbaku Njeik. This is the subject of a separate decision.

Ground (b)

3. To succeed under this ground of appeal the appellant needs to show that the alleged breach of planning control has not occurred, as a matter of fact.
4. It is claimed that a material change of use of the garage building to a self-contained dwelling (the MCU) has not taken place, as the garage is used as a residential annexe occupied by the appellant's mother. The Council's evidence quite clearly shows it has been occupied by people independent of the parent dwelling prior to the notice being issued.
5. Prior to the notice being issued it can be seen in photographs taken by the Council that the building has a kitchen with 2-ring hob, washing machine/dryer, mini-oven/grill, microwave, sink and worktop. This is in addition to the shower room with toilet and living space containing a bed. The witness statement of Mohammad

Ammad Malik clarifies this and refers to discussions with 2 paying tenants in the building in July 2024. Copies of a tenancy agreement and an advertisement describing the building as available to rent from August 2024 have also been provided.

6. The lack of space for comfortable independent occupation, absence of separate letterbox, utility meters, building/contents insurance, and council tax account, alongside the possibility that the appellant's mother may have occupied the building previously do not lead me to find that the MCU has not taken place. Overall, I have no doubt that the MCU has taken place, as a matter of fact.
7. The appeal under ground (b) therefore fails.

Ground (d)

8. To succeed under this ground of appeal the appellant needs to show that at the date when the notice was issued no enforcement action could be taken in respect of the MCU. With regard to the relevant case law and section 171B of the Act, the onus is on the appellant to provide sufficiently precise and unambiguous evidence to show that the MCU took place on or before 5 August 2020 and the building's use as a self-contained dwelling continued for a period of at least 4 years without significant interruption by the date the notice was issued.
9. I have been provided with invoices for a Georgian style glazed front door dated 25 April 2019 and an IT Kitchens glass splashback dated 14 December 2019. These items are listed as being delivered to the appellant at the site. The Council has pointed out that the picture of the door provided in the invoice does not match that which has been installed and the appellant has not disputed this or provided further clarification. There is little to show the splashback in the invoice is the one installed, and there is nothing to explain the notable lack of other invoices.
10. A photograph which is claimed to be dated 16 June 2019 shows the interior of the building in the process of being converted, with plasterboard finishes and exposed wiring awaiting plastering and final electrical fittings. Photographs claimed to be dated 3 July and 19 December 2019 show a bare interior to the building with electrical switches and sockets installed and painted walls, with underlay and carpet in the process of being fitted to the floor in the later photograph. A photograph claimed to be dated 6 March 2020 shows the appellant's mother and her grandson outside the building where the front door and window can be seen in place. A photograph claimed to be dated 22 March 2020 shows the finished interior of the sleeping area without a bed present, while photographs dated 6 December 2020 show the finished shower room and kitchen.
11. The evidence therefore suggests that at least some works relating to the conversion of the garage into a dwelling took place over 2019/20. However, there is no evidence to show the kitchen or shower room facilities were installed prior to 6 December 2020, even if I were to take the dates of the photographs provided as accurate. Moreover, advertisements for the dwelling said to date from August 2024 include the lines '*All new and very clean. Be the first to enjoy this luxury*'. Overall, there is a lack of detailed evidence to support the appellant's claims.
12. The appellant has therefore failed to provide sufficiently precise and unambiguous evidence to show, on the balance of probabilities, that the MCU took place on or

before 5 August 2020 and that the building was in use as a self-contained dwelling continuously for a period of at least 4 years before the notice was issued.

13. For the above reasons, the appeal under ground (d) must fail.

Ground (a) and the deemed application for planning permission

14. Under the provisions of section 177(1)(a) of the Act I have the power to grant planning permission in respect of the matters stated in the notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters. The appellant seeks planning permission for the use of the building as a residential annexe, but this does not form part of the breach stated in the notice. The appeal under ground (a) and the deemed application for planning permission do not therefore relate to a residential annexe, and I shall consider whether planning permission ought to be granted for the MCU stated in the notice.

Main issues

15. The main issues are:

- Whether the development provides acceptable living conditions for occupiers;
- The effect of the development on highway safety; and
- The effect of the development on the character and appearance of the area.

Living conditions

16. The appellant accepts that the building has a gross internal area of 19.5 square metres, which does not provide acceptable space for a self-contained dwelling. This was obvious from my site visit. In addition, the living space offers very poor outlook and lacks privacy on account of the adjacent garden, which is shared with the parent dwelling. There is no private amenity space. Noise from the garden when in use by occupants of the parent dwelling would also disturb occupants as there would be no living space unaffected. There is very little to suggest this building's use as a self-contained dwelling provides anything other than unacceptable living conditions for its occupiers.

17. The MCU is therefore contrary to saved policies EN1 and H13 of The Local Plan for Slough (2004) (LP) and core policy 8 of the Council's Core Strategy Development Plan Document (2008) (CS). These seek to require development to be of a high standard of design, which should be practical, attractive, safe and accessible, with appropriate amenity space, amongst other things.

Highway safety

18. The building was originally built as a garage as part of a housing estate and is subject to a condition restricting its use to the accommodation of cars ancillary to the parent dwelling. It is claimed the garage is too narrow to accommodate the appellant's car or any similar family-sized vehicle, and that it has never been used by the appellant for vehicular parking since he purchased the property in 2018. It has not been shown how the garage is of insufficient size to accommodate a family-sized car and it would be surprising if this was the case, considering the planning permission relating to the housing estate was granted 2016. The MCU has

therefore resulted in the loss of a car parking space, and it is the appellant's choice to own a larger car.

19. There is space to park 2 cars on the appellant's driveway, in front of the garage. Parking opportunities on the roads of the estate and surrounding area were limited during my site visit, during normal working hours, with many cars parked over pavements with dropped kerbs. There was evidence of informal 'no parking' signage which appeared to be largely ignored, and I note the proximity of a large hospital which may increase local parking stress. There are bus stops nearby, within easy walking distance, but I have no information before me as to how frequent buses stop there, or what routes they follow.
20. Despite government aims to discourage reliance on private motor vehicles, the site is in a location where there appears to be a high level of parking stress, and the loss of any parking spaces within the site and the addition of another household without designated parking has the potential to add to that stress and increase the likelihood of dangerous parking. The MCU will therefore likely increase the risk of harm to highway safety, notwithstanding the opportunities to walk to some local services and bus stops.
21. For the above reasons the MCU is contrary to saved policy T2 of the LP and core policy 7 of the CS. These require residential development to provide a level of parking appropriate to its location to overcome road safety problems, amongst other things.

Character and appearance

22. The building was originally constructed as a detached garage with typical front facing garage door. That garage door has been retained and there has been no change in the external appearance of the building when viewed from the street. A domestic front door and window have been installed to the side elevation of the building, facing into the private rear garden at the site, which are typical in appearance for domestic garages, albeit the front door is overly ornate.
23. There is uniformity in the garages set back from their parent dwellings, and in this case the external appearance of the building remains largely unchanged in that it still appears to be a garage from the outside. However, the use of the building is more intense and uncharacteristic for the area, where the set-back pairs of garages are designed to be used for car storage purposes. Comings and goings associated with the MCU, direct to the gate at the rear of the parent house, are an uncharacteristic pattern of activity and the intense use of the building is an obvious deviation from the established and planned suburban character of the estate.
24. The MCU has therefore had no effect on the appearance of the area, but it has had a modest harmful effect on the character of the area, contrary to saved policies EN1 and H13 of the LP and core policies 1 and 4 of the CS. These require, amongst other things, development to be compatible with and in-keeping with its surroundings.

Other matters and planning balance

25. The MCU may well provide affordable accommodation, but it is not an efficient use of land considering the extremely poor standard of that accommodation.

Considered in the round, the National Planning Policy Framework does not support the development.

26. For the reasons set out above, any other matters which may weigh in support of a residential annexe use of the building do not weigh in favour of the MCU. Similarly, any planning permissions granted by the Council for the conversion of other garages into habitable rooms do not lead me to any different findings on the main issues in this particular case.

Conclusion on ground (a) and the deemed application for planning permission

27. The MCU provides unacceptable living conditions for occupiers of the building, increases the risk of harm to highway safety, and harms the character of the area, contrary to the development plan taken as a whole. There are no other considerations which indicate planning permission should be granted for the MCU.
28. The appeal on ground (a) therefore fails and the deemed application for planning permission is refused.

Ground (f)

29. To succeed under this ground of appeal the appellant needs to show that the steps required to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused.
30. The notice requires the use of the building as a self-contained dwelling to cease and the removal of the kitchen and shower room along with associated plumbing, pipework and boiler, and internal walls. The purpose of the notice is therefore to remedy the breach by restoring the land to its condition before the breach took place in accordance with section 173(3) and (4)(a) of the Act, rather than remedying any injury to amenity. With this in mind, it is necessary for me to consider whether that purpose could be achieved with less cost and disruption.
31. It has been suggested that removing the kitchen and retaining the shower room would not facilitate the use of the building as a self-contained dwelling. Be that as it may, leaving the shower room in the building would not remedy the breach by restoring the land to its condition before the breach took place. Furthermore, the evidence shows it is likely that the installation of the shower room facilitated the MCU, and I note concerns over how easily the building could be lived in independently if only the kitchen were to be removed. Moreover, considering the circumstances of this building and how it has evidently been used, I find it likely that there would be a high risk of the breach reoccurring if the notice did not require the land to be restored to its former condition. I therefore find that the steps required to be taken by the notice do not exceed what is necessary to remedy the breach.
32. The appeal on ground (f) therefore fails.

Ground (g)

33. To succeed under this ground of appeal the appellant needs to show that 6 months falls short of what should reasonably be allowed for the notice to be complied with.
34. It is claimed 9 months should be allowed as the necessary works are outside the appellant's capabilities and contractors will need to be instructed to carry out

plumbing, electrical and building works. It has also been suggested that the cost of these works may place the appellant into financial hardship, which would not be in the public interest. In addition, it is said that the appellant's mother would have to find alternative affordable and suitable accommodation or the main dwelling would need to be adapted to meet her needs. No evidence has been provided to support these claims. Moreover, it is clear that the appellant's mother was not dependent on living in the building when the notice was issued, as it was advertised as available to rent for a minimum 6-month term from 21 August 2024.

35. On the evidence, I see no reason why 6 months may fall short of what should reasonably be allowed for the notice to be complied with.

36. The appeal on ground (g) therefore fails.

Conclusion

37. 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 1990 Act.

L Douglas

INSPECTOR