



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: 22nd June 2026

Appeal Ref: APP/J0350/X/25/3370127

51 Lydford Avenue, Slough SL2 1NL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Abdul Malik against the decision of Slough Borough Council.
 - The application ref P/19949/003, dated 1 May 2025, was refused by notice dated 2 July 2025.
 - The application was made under section 192(1)(b) of the Act.
 - The development for which a certificate of lawful use or development is sought is a single storey outbuilding.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse to issue an LDC was well-founded, with particular regard to whether the proposed outbuilding would be for a purpose incidental to the enjoyment of the dwellinghouse as such.

Reasons

3. For the appeal to succeed the appellant needs to show, on the balance of probabilities, that the proposed outbuilding would have been lawful if the development had commenced on the date of the application.
4. Article 3(1) and Class E of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) grants planning permission for the provision within the curtilage of a dwelling house of any building required for a purpose incidental to the enjoyment of the dwellinghouse as such, subject to limitations. There is no dispute that the proposed outbuilding would accord with all limitations and benefit from this planning permission if it falls within the above description. I see no reason to find otherwise.
5. The proposed flat-roofed outbuilding would have a rectangular footprint measuring 13 metres (m) by 3.9m along the northern boundary, adjacent to the end of terrace dwelling, within the site. The plans show it would have 3 internal spaces annotated gym, shower room, and garage, with a window on the east elevation serving the gym, a window on the south elevation serving the shower room, and a typical garage door serving the garage on the west elevation.
6. There is no dispute that the proposed outbuilding would have a footprint measuring 50.7 square metres (sqm). It is claimed that the internal floor areas of each room within the proposed outbuilding would measure: 18.81sqm (3.3m by 5.7m) in respect of the garage; 18sqm in respect of the gym; and 3.18sqm in respect of the

shower room. I have been referred to claimed 'typical minimum standards' for each of these spaces, as follow respectively: 12.5m (2.5m by 5m); 15sqm; and 2.5sqm. It is unclear where these standards have been taken from, but there is minimal difference between them and the proposed internal areas for each room. However, this does not mean that an outbuilding comprising rooms of such sizes should necessarily be taken as incidental to the enjoyment of any dwellinghouse. By way of comparison, the dwelling at the site has a footprint measuring 37.6sqm, with accommodation set over at least 2 floors.

7. The proposed outbuilding would be a large structure located close to the dwelling, but despite the claimed minimum standards provided above, there is limited information before me to show how a building of such size could reasonably be described as for a purpose incidental to the enjoyment of that dwelling. The garage would open into the rear garden, and it is unclear how any vehicles would access the highway from here, despite the appellant stating the proposed outbuilding would be for vehicle storage, fitness use and a sanitary facility. The proposed layout would also appear to restrict access to/from a side door to the dwelling, and movement between the proposed outbuilding and the dwelling would therefore be somewhat restricted.
8. Other than the descriptions of each room, there is no information before me as to how the proposed outbuilding will be specifically used by the appellant and how that would be incidental to their enjoyment of the dwelling. Furthermore, with regard to the much smaller footprint of the dwelling at the site, it remains unclear how a building of the size proposed would be for purposes incidental to the enjoyment of this particular dwelling. Its 13 metre depth would prevent it from being subordinate to the dwelling, in visual terms at least, and a gym and shower room are not always 'normal expectations for incidental domestic facilities'. There is no information before me as to the proposed and likely relationship between the use of the dwelling at the site and a building comprising a gym, shower room and garage of the size and layout proposed.
9. The appellant has not therefore shown how the proposed outbuilding may fall within the description of the development granted planning permission by the GPDO, on the balance of probabilities.

Conclusion

10. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a single storey outbuilding is well founded. The appeal should fail, and I will exercise accordingly the powers transferred to me in section 195(3) of the Act.

L Douglas

INSPECTOR