



Appeal Decisions

Site visit made on 15 June 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 26 June 2026

Meadow View, Bedford Lane, Sunningdale, Ascot SL5 0NP

- The appeals are made under section 195 of the Town and Country Planning Act 1990, as amended (the Act), against refusals to grant a certificate of lawful use or development.
 - The appeals are made by Mr Jon Curtis against the decisions of the Council of the Royal Borough of Windsor and Maidenhead.
 - The applications were made under section 192(1)(b) of the Act.
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Appeal A Ref: APP/T0355/X/25/3359744

- The application ref 24/02161, dated 5 September 2024, was refused by notice dated 13 September 2024.
- The development for which a certificate of lawful use or development is sought was described as *'It is proposed to construct an outbuilding pursuant to Class E of the GPDO 2015. The proposed outbuilding would incorporate a home gym, changing areas, a games room including a snooker table. The outbuilding would be 2m away from the nearest adjacent boundary'*.

Summary Decision: The appeal is dismissed.

Appeal B Ref: APP/T0355/X/25/3359748

- The application ref 24/02343, dated 26 September 2024, was refused by notice dated 18 November 2024.
- The development for which a certificate of lawful use or development is sought was described as *'It is proposed to construct an outbuilding pursuant to Class E of the GPDO 2015 following demolition of existing garage. The proposed outbuilding would incorporate a double garage, a home gym, changing areas, a home office, a games room including a snooker table and a plant room. The outbuilding would be 2m away from the nearest adjacent boundary'*.

Summary Decision: The appeal is allowed and a lawful development certificate is issued in the terms set out in the Formal Decision.

Preliminary Matters

1. There are two appeals by the same appellant, about the same property and for similar proposed outbuildings on the same part of it. Each application was refused by the Council for the same reason. I have therefore considered both appeals together, except where indicated.
2. The descriptions in the banner headings above are the appellant's, taken from the application forms. After also considering the descriptions used by the Council in its decisions, I have used 'proposed detached outbuilding' in the Appeal B lawful development certificate (LDC) because it is more succinct.

Background

3. In June 2019 a LDC was issued for a proposed detached outbuilding at Meadow View, a semi-detached house in a large plot (the approved outbuilding)¹. It would

¹ 19/01607

have 150sqm ground floor area (GFA) for a games room, gym, WC/shower room, plant/utility room and double garage². The existing GFA of Meadow View is 73sqm. In September 2019 a LDC was issued for a proposed single storey side extension³ and planning permission was granted in November 2019 for a two-storey rear extension⁴.

4. In Appeal A, the proposed outbuilding would be 190sqm GFA. The plans show the same uses as the approved outbuilding, including (albeit not in the appellant's description) a double garage. In Appeal B, the proposed outbuilding would be 176sqm GFA and include the same uses; the appellant's description adds a home office (also shown in the plans) and a snooker table (shown in the plans for all three outbuildings and which would all have a similar L-shaped layout and form).
5. Only one from the approved outbuilding or (without prejudice to my decisions) the Appeal A or the Appeal B outbuilding could be constructed but not both. Meadow View could be enlarged by the side extension and, if the permission is still extant, the rear extension.

Main Issue

6. The main issue in each appeal is whether the Council's decision to refuse the application for a LDC was well founded.

Reasons

7. The applications sought to establish whether the appeal outbuildings would have been lawful if this development had begun when the applications were made, on 5 and 26 September 2024 respectively (the relevant dates). For either appeal to succeed, the onus is firmly on the appellant to demonstrate, on the balance of probability, that each outbuilding was lawful on the relevant date. This turns on whether they were permitted development, granted planning permission by Article 3(1) and Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO).
8. As well as the other limitations and conditions of Class E, which are not in dispute in either appeal, buildings provided within the curtilage of a dwellinghouse as permitted development must, in paragraph E.(a), be built as '*required for a purpose incidental to the enjoyment of the dwellinghouse as such*' – a phrase not defined in the GPDO. The Council accepts that the use of each appeal outbuilding would meet paragraph E.(a) and I have no reason to find otherwise. The nub of the dispute is the purpose of each appeal outbuilding by virtue of their size over and above the size of the approved outbuilding.
9. Considering the relevant caselaw and appeal decisions put to me, whether an outbuilding is required is largely a matter for the occupants of a dwellinghouse to determine, subject to reasonableness and the genuine circumstances of a particular case, not the whim of an individual occupant. Furthermore, the intrinsic size of an outbuilding or in relation to the size of a house are relevant factors, though not determinative.

² All figures are approximate unless otherwise stated

³ 19/02084

⁴ APP/T0355/D/19/3235624, 19/01107

10. The dimensions and GFA of each appeal outbuilding gym would essentially be the same and not materially different to the approved outbuilding gym. Each plant/utility room would be larger, but by internal apportionment of the same GFA for a smaller WC/shower room and omission of a corridor. The approved outbuilding plans are some 7 years old with little to counter that this change is necessary to meet current equipment specifications or regulatory requirements, such as health and safety.
11. Each appeal outbuilding double garage would essentially have the same dimensions and GFA. While both would be slightly wider than the approved outbuilding double garage this would be due to a repositioned internal wall. They would, though, be much deeper with more GFA and increase the external dimensions of this part of each outbuilding. However, the approved outbuilding plans show two moderate sized cars whereas the two cars in both appeal outbuilding plans more accurately reflect that cars have increased in size and changed in type, even in the last 7 years. There is then a commensurate need to provide more space for convenient door opening and loading/unloading of such cars as well as for passage of drivers or passengers, while also ensuring sufficient provision for cleaning or maintenance, including storage of tools or equipment.
12. In Appeal A, the games room (and this part of this outbuilding) would be notably longer and wider than the games room and this same part of the approved outbuilding. I appreciate that the full-sized snooker table shown in the appeal plans requires the wide margin around it for unobstructed use, but this is no different to what is provided in the approved outbuilding plans.
13. In Appeal B, this part of this outbuilding would be the same length as in Appeal A, but not that much wider than this part of the approved outbuilding and appreciably smaller than this part of the Appeal A outbuilding. The main part of the games room would as a result be much smaller than in Appeal A, similar in dimensions and GFA to the approved outbuilding games room, with an additional nub in one corner which could be used for furniture, storage or other games without interfering with the snooker table. A home office would occupy the rest of this part of the Appeal B outbuilding with enough space for circulation and equipment, such as a printer or furniture for storage and the table and chairs shown in the plans.
14. I appreciate that each appeal outbuilding (and the approved outbuilding) would not significantly diminish the large gardens at Meadow View, but that is not the matter in hand. I accept that the approved outbuilding is already significant in size with roughly twice the existing GFA of this house. But there is little evidence that this measure (or any particular difference between GFA in an outbuilding and total existing floorspace of a dwelling) is a recognised absolute limit. Moreover, in these appeals any such proportional disparity would, anyway, change if either or both of the extensions to Meadow View were, or still could be, built.
15. Either way, in Appeal A and Appeal B much of each outbuilding would be the same or similar in size to the approved outbuilding. Moreover, the modest enlargement of each double garage, and correspondingly of this part of each outbuilding overall, would reasonably meet functional practicalities of any occupier of Meadow View, including not restrict personal car choice.
16. I acknowledge that the games room is now intended for more than snooker to provide a flexible space. However, in Appeal A the games room GFA alone would be comparable to the entire existing GFA of Meadow View, so not subordinate in

these terms. In addition, more than a 25% increase (from 150sqm to 190sqm GFA) is not a 'slightly larger footprint'. There is also little evidence about the specific nature of other activities said to justify the significant increased external dimensions and GFA of this games room compared to this part of the approved outbuilding. For instance, it is not clear how a vibrant family games room could at the same time, or in the same space, be used as a focussed home office or for quiet home schooling without undue distraction. Nor about how and why it would reflect changed family living conditions or dynamics generally, post Covid-19.

17. Whereas in Appeal B, the outbuilding would not be substantially larger than the approved outbuilding, including a similar sized main games room with more space than just for snooker and a dedicated room for a home office.
18. I saw that Meadow View is a small house with limited ground floor primary living accommodation in a few, mostly small rooms with modest provision even for small family occupation. The approved plans show a new kitchen and an enlarged living room in the side extension and a new ground floor family room in the rear extension. These spaces and uses could add primary living accommodation as an integral, attached part of Meadow View. But even if the house was extended or internal space reorganised (as also shown in the approved plans) there is little evidence that rooms would also be large enough for the type and quantity of gym equipment and space that the Council accepts is appropriate for home use. Nor for a games room with a full-sized snooker table.
19. A home office can be a spare bedroom or part of another room in a dwelling. But in this case, even with the rear extension, upstairs primary living accommodation would not be overly excessive or redundant for large family occupation of Meadow View (significantly less if the planning permission is not extant). Moreover, a downstairs home office would displace some of the improved primary living accommodation (particularly if just the side extension could be built). It is, anyway, not unusual or unacceptable for a home office to be in a more conducive garden outbuilding, away from the busier internal environs of a dwelling.
20. Neither appeal outbuilding would contain all of the primary day-to-day living accommodation needed to constitute a dwellinghouse (the WC/shower room is simply convenient for the gym) whereas Meadow View does. There is little evidence that either outbuilding would be built and used at the outset for a separate self-contained dwellinghouse and would anyway require planning permission. Nor that Meadow View would be rendered incidental to either outbuilding. The Council has powers to investigate potential breaches of planning control in these respects.

Conclusions

Appeal A

21. As a matter of fact and degree, the Appeal A outbuilding would be excessive in size over and above the size of the approved outbuilding – largely the unfettered desire or personal preference of the appellant for an unjustified, fundamentally oversized outbuilding. On this basis, the Appeal A outbuilding would not be required for a purpose incidental to the enjoyment of Meadow View (this dwellinghouse) as such, so paragraph E.(a) would not be met. The appellant has not, therefore, shown on the balance of probability that this proposed outbuilding was lawful on the relevant date, given it was not permitted development granted planning permission by Article 3(1) and Schedule 2, Part 1, Class E of the GPDO.

22. For the reasons given above, and on the evidence now available, I am satisfied that the Council's decision to refuse to grant a LDC is well-founded. Accordingly, this appeal does not succeed and I will exercise the powers transferred to me in section 195(3) of the Act.

Appeal B

23. Also as a matter of fact and degree, the Appeal B outbuilding would be a moderate enlargement in size over and above the size of the approved outbuilding – genuinely and reasonably required in connection with the running of Meadow View by the persons living in it. On this basis, the Appeal B outbuilding would be required for a purpose incidental to the enjoyment of this dwellinghouse as such, so paragraph E.(a) would be met. The appellant has, therefore, shown on the balance of probability that this proposed outbuilding was lawful on the relevant date, given it was permitted development granted planning permission by Article 3(1) and Schedule 2, Part 1, Class E of the GPDO.
24. For the reasons given above, and on the evidence now available, I am satisfied that the Council's decision to refuse to grant a LDC is not well-founded. Accordingly, this appeal succeeds and I will exercise the powers transferred to me in section 195(2) of the Act.

Formal Decisions

25. Appeal A is dismissed.
26. Appeal B is allowed. Attached to this decision is a lawful development certificate describing the proposed operation which is found to be lawful.

Robin Buchanan

INSPECTOR

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 26 September 2024 the operation described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed detached outbuilding was permitted development, granted planning permission pursuant to Article 3(1) and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed

Robin Buchanan
Inspector

Date 26 June 2026

Reference: APP/T0355/X/25/3359748

First Schedule

Erection of a proposed detached outbuilding, as shown in plan numbers:

- 001 Existing location and site plan
- 17.127.002 Existing site plan
- 17.127.100 Rev A Proposed site plan
- 17.127.101 Rev B Proposed outbuilding internal layout
- 17.127.120 Rev A Existing and proposed front elevation
- 17.127.121 Rev A Proposed side east & side west elevation
- 17.127.122 Rev A Proposed north rear elevation

Second Schedule

Meadow View, Bedford Lane, Sunningdale, Ascot SL5 0NP

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

This is the plan referred to in the Lawful Development Certificate dated 26 June 2026

by Robin Buchanan BA (Hons) MRTPI

Land at: Meadow View, Bedford Lane, Sunningdale, Ascot SL5 0NP

Reference: APP/T0355/X/25/3359748

Scale: Not to Scale

