



Appeal Decision

Site visit made on 30 July 2026

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 18 August 2026

Appeal Ref: APP/J0350/X/26/3378510

**Land at Galleymead House, Poyle New Cottages, Old Bath Road, Colnbrook
SL3 0NU**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Doug Hepsworth (Lanz Farm Limited) against Slough Borough Council.
 - The application (Ref P/10697/028) is dated 6 March 2026.
 - The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 as amended (the Act).
 - The operations for which a certificate of lawful use or development is sought is creation of a hardstand ancillary to the transport maintenance operation and offices use.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing operations considered to be lawful.

Main Issue

2. The main issue in this appeal is whether or not the deemed refusal of the LDC application by the Council was well-founded.

Reasons

3. Section 191(2) of the Act provides that uses and operations are lawful at any time if no enforcement action may then be taken in respect of them, including because the time for enforcement has expired¹. Section 171B(1) of the Act provides that, as regards the appeal development, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed.
4. The appellant's case is that, upon the date of the LDC application, hardstanding had existed in the same position and footprint for more than 4 years - with the operational development having been substantially completed in June 2018. I have seen photographs taken over a range of dates which supports that case. Further, 3 statutory declarations of truth have been provided. Statutory declarations are solemnly made under the Statutory Declarations Act 1835 in the presence of a solicitor. I afford them significant weight by reason of that context and for the sufficiently precise and unambiguous evidence they contain which is consistent with the photographic evidence.

¹ And that they do not constitute a contravention of any of the requirements of any enforcement notice then in force. An enforcement notice was issued on 10 May 2024, but was appealed and then withdrawn.

5. I note that the Council's appeal statement supports the appellant's above evidence as to the longstanding presence of hardstanding, in that an Officer Report (on a separate planning application, P/10697/012) from January 2021 refers to open hardstanding on land to the east of the office building.
6. It is uncontroversial that, in May 2022, resurfacing works were carried out to the hardstanding. The compacted hardcore and sub-base membrane remained in place and there was no change to the overall footprint of the hardstanding upon the site. The appellant also says there was no resultant change in levels, and I have seen nothing in challenge on that point. Taking all into account, I find as a matter of fact and degree that these works did not amount to a new act of operational development which materially altered the physical characteristics of the land.
7. Accordingly, I find on the balance of probabilities that the hardstanding was immune from enforcement action at a date in June 2022 when 4 years from substantial completion had elapsed. It was therefore lawful on 6 March 2026, being the date of the LDC application.
8. The Council raises caselaw² that is relevant to the removal of 'ancillary' or 'incidental' works in an enforcement notice alleging a material change of use. That is not the case here. In any respect, the caselaw does not override the time limit regime in section 171B of the Act.

Conclusion

9. For the reasons given above I conclude, on the evidence now available, that the Council's deemed refusal to grant a certificate of lawful use or development was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Andrew Walker

INSPECTOR

² *Murfitt v SSE* [1980] JPL 598; *Somak Travel v SSE* [1987] JPL 630; *Kestrel Hydro v SSCLG, Spelthorne Borough Council* [2016] EWCA Civ 784



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(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 6 March 2026 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The operations had been substantially completed more than 4 years before the application for the Lawful Development Certificate. Therefore, immunity had been acquired by reason of section 171B(1) of the Town and Country Planning Act 1990 (as amended).

Signed

Andrew Walker

Inspector

Date: 18 August 2026

Reference: APP/J0350/X/26/3378510

First Schedule

Creation of a hardstand ancillary to the transport maintenance operation and offices use

Second Schedule

Galleymead House, Poyle New Cottages, Old Bath Road, Colnbrook SL3 0NU

NOTES

This certificate is issued solely for the purpose of Section 191 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 was /were 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.



Plan

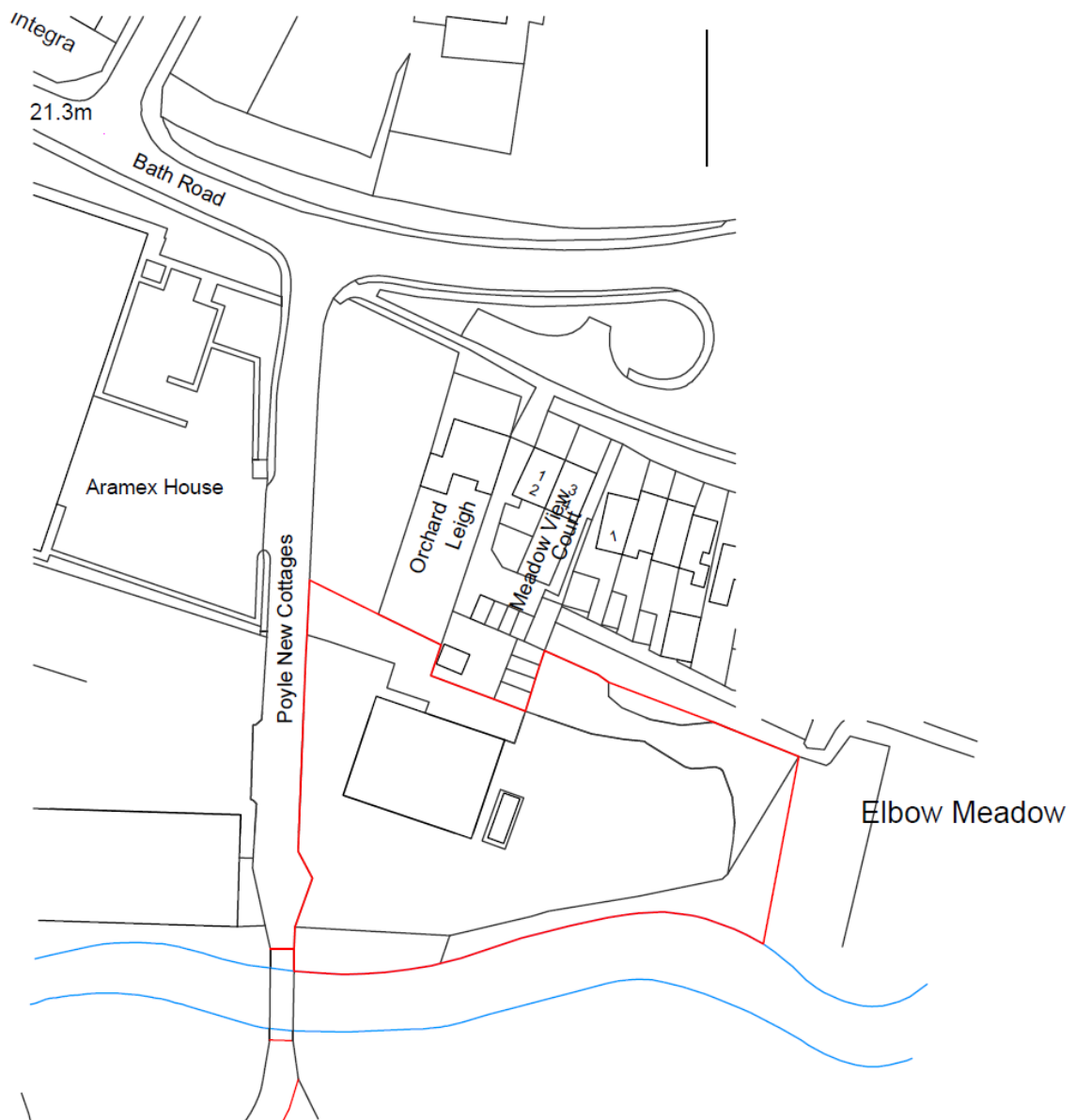
This is the plan referred to in the Lawful Development Certificate dated: 18 August 2026

by **Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP**

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Scale: Do not scale



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