



Appeal Decision

Site visit made on 11 August 2026

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2026

Appeal Ref: APP/J0350/C/25/3365957

Land at 1 Mitchell Close, Slough SL1 9DY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr M Asif against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 11 April 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised material change of use of public amenity land to residential, the erection of a 1.8/2m high close boarded boundary fence, a 0.9/1m high boundary picket fence and a 1.8/2m high close boarded fence sub-dividing the land and associated hardstanding.
 - The requirements of the notice are: 1. Cease the use of the land for residential purposes (such as garden and driveway). 2. Remove all fencing from the land including the 1.8/2m high close boarded boundary fence, the 0.9/1m high picket fence and the 1.8/2m high close boarded fence subdividing the land (outlined in blue on the plan attached to the notice). 3. Remove the hardstanding from the land (outlined in green on the plan attached to the notice). 4. Reinstate the land back to its previous condition. 5. 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 three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (c) of the Town and Country Planning Act 1990 (as amended). 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 as amended.

Preliminary Matter

2. My decision takes the revised National Planning Policy Framework, which came into force during the course of the appeal, into account.

Applications for costs

3. Applications for costs have been made by Mr M Asif against Slough Borough Council and by Slough Borough Council against Mr M Asif. These applications are the subject of separate Decisions.

Ground (c) appeal

4. The ground of appeal is that the matters stated in the enforcement notice do not constitute a breach of planning control. It is for the appellant to show why their appeal should succeed on this ground, the relevant test of the evidence being on the balance of probability.
5. The appeal site is a roughly rectangular shaped strip of land, situated between the side of a link-detached dwelling and a local distributor road, on part of a modern planned residential estate. The available evidence shows that the site originated as part of a soft landscaped roadside open space following the grant of planning

permission for this part of the estate, in 1984.¹ The site is owned by the Council as part of the roadside open spaces on the estate.

6. The notice alleges the making of a material change in the use of the site from public amenity land to residential use, along with the erection of fencing and laying of hardstanding. The fencing off and use of the site for residential purposes has markedly altered its previously open, well vegetated characteristics as part of the larger area of roadside open space. The vegetation has largely been removed, timber fencing has been erected to enclose and subdivide the site and the front part has been laid to hardstanding for vehicle parking, with some ornamental planting. The site is now separate, physically and functionally, from the area of roadside open space, forming part of the residential unit of occupation which includes the appellant's dwelling.
7. The above all suggests that the use of the site for residential purposes is significantly different in character to the use as roadside open space. The effects of the use as part of the appellant's residential garden are clearly distinguishable from the effects of a use as roadside open space. The difference in the character of the use goes beyond what might reasonably be regarded as *de minimis*.
8. Accordingly, as a matter of fact and degree, I find that there has been a material change in the use of the site, falling within the definition of development set out in s55(1) of the Act. There is little firm evidence before me to indicate otherwise. Whilst the appellant negotiated with the Council in its capacity as landowner to obtain a licence to occupy the site, that has little bearing on whether there has been a material change of use.
9. The operations involved in erecting the fencing and the laying of hardstanding also fall within the statutory definition of development. The Act at s57(1) provides that planning permission is required for any development of land. The definition of a breach of planning control in s171A(1) of the Act includes carrying out development without the required planning permission. As far as I was made aware, no planning permission has been granted for the development.
10. Therefore, based on the available evidence the appellant has been unable to show to the required standard that the matters stated in the notice do not constitute a breach of planning control. The ground (c) appeal fails.

Ground (a) appeal

Main Issues

11. The main issues in this ground of appeal are:

- The effect of the development on the character and appearance of the surrounding area.
- The effect on highway safety.

Reasons

Character and appearance

12. Residential development on this part of the estate is generally set well back from the distributor road, behind fairly deep, grassy open spaces containing maturing trees and vegetation, although masonry walls of varying height also front parts of the road in places. The roadside open spaces and associated greenery assist in visually softening the built forms behind and contribute significantly to the pleasantly spacious and leafy, suburban character and appearance of the locality.

¹ Council Ref: P.5370

13. The hard-edged, vertical profiles and obviously manufactured appearance of the tall, solid fencing, erected as part of the works to facilitate the residential use, differ markedly and appreciably from the softer shapes and more naturalistic visual qualities of the maturing planting on the rest of the roadside open space and on similar spaces in the environs. Along with the positioning adjacent to the road, this has led to the fencing appearing as a visually assertive built feature in its surroundings. The visual impact of the fencing is not significantly softened by any landscape planting. The foregoing does not compare favourably in visual terms with boundary fences at neighbouring properties, which are generally set back from the road behind well-planted open space and consequently have a more subdued appearance. Similar considerations apply, albeit to a lesser extent, in relation to the length of low picket fencing erected towards the front portion of the site.
14. The hardstanding also laid as part of the works covers most of the front portion of the site. The hard, largely flat profile and light coloured finish give the hardstanding a stark, 'engineered' appearance which visually dominates the site frontage. The marked contrast with the softer shapes and more muted colour tones of well-planted roadside open spaces in the vicinity is accentuated by the angular lines and shiny metallic colour finishes of vehicles parked on the hardstanding. The relatively modest area of ornamental planting within the site does little to offset these adverse visual consequences.
15. The above factors contribute to a considerable erosion in the sense of spaciousness and roadside greenery at the site and in the environs, creating a significantly and appreciably more built-up feel in the vicinity entirely at odds with the prevailing visual qualities of the locality and resulting in the development being viewed as an obvious, alien feature in its surroundings. I acknowledge that the site was previously overgrown and had a neglected appearance. However, that in itself does not justify the visual harm I have identified.
16. The appellant referred to a tall, solid timber boundary fence erected adjacent to the road at a property nearby, shown in a photographic image supplied. Since there are few details of the circumstances in which that fence originated however, its presence can only be given limited weight. It is unclear for example, whether the fence in question was erected following the granting of planning permission.
17. Therefore, the development causes unacceptable harm to the character and appearance of the surrounding area. This conflicts with Policy EN1 of the Local Plan For Slough (LP), which requires new development to reflect a high standard of design and to be compatible with its surroundings, including in terms of height, siting, materials and visual impact. It also conflicts with LP Policy OSC8, which seeks to resist new development resulting in the loss of green space unless the amenity value of that space can be retained and enhanced. Furthermore, there is conflict with Core Policy 8 of the Slough Local Development Framework Core Strategy Development Plan Document (CS), which amongst other things requires all new development in the Borough to be of high quality design, respecting its location and surroundings. However, there is no conflict with LP Policy EN3, which concerns landscaping scheme requirements for new developments.

Highway safety

18. The site is adjacent to the junction between the distributor road and a residential cul-de-sac. The hardstanding provides at least one parking space, which is probably accessed by vehicles utilising a pedestrian dropped kerb. Whether there is sufficient room to turn a vehicle at the site is unclear. As a result, providing the parking space is highly likely to have led to vehicles having to reverse onto the carriageway or else reverse into the site, in proximity to the junction.
19. Nevertheless, the distributor road is fairly wide, flanked by wide pavements and it has a relatively straight alignment for a considerable distance on either side of the junction with the cul-de-sac. There is a maximum speed limit for vehicles of 20mph

in force on this part of the distributor road and the neighbouring roads. From what I could see during my visit, vehicles were mostly travelling at or near the maximum permitted speed.

20. Due to the above factors, pedestrians and drivers of vehicles on the distributor road approaching the junction are likely to have more than sufficient advance warning of vehicles undertaking manoeuvres to access and egress the site. Whilst traffic levels were relatively light when I visited, the distributor road probably being busier at other times, that is unlikely to make a significant difference to the advance warning available to drivers and pedestrians when vehicles are accessing and egressing the site. Similar considerations apply in respect of pedestrians and drivers of vehicles travelling on the cul-de-sac towards the junction.
21. Therefore, the development has not increased the risk of collisions and there is no unacceptable harm to highway safety or conflict with CS Core Policy 7, which requires new development to improve road safety.

Other Matters

22. I am given to understand that the site and the rest of the roadside open space previously attracted incidences of fly tipping, littering and anti-social behaviour. Nevertheless, this matter can only carry limited weight, as it is unclear why those incidences occurred or whether they could have been resolved in an alternative fashion, for example through more regular routine maintenance by the Council. I have also taken into account the support expressed by an interested local resident for the continued residential use of the site. Ultimately however, the development falls to be considered on its individual planning merits.
23. My understanding is that the appellant tried over a protracted period to obtain a licence to occupy the site. This was apparently encouraged by Council staff initially but ultimately proved to be unsuccessful. I can appreciate the appellant's frustration in this respect, as they appear to have undertaken the development based on the licencing discussions. Even so, this matter cannot carry other than minimal weight, as it does not affect the planning merits of the development. Nor can the conduct of the Council's enforcement investigation have more than a limited bearing on my deliberations. Dismissing the appeal and upholding the notice would not infringe the principles of natural justice.
24. A number of neighbouring properties adjoin the rest of the roadside open space. However, given my findings on the first main issue it is not necessary to consider whether granting planning permission would prejudice the Council's ability to resist similar developments in future. The ground (a) appeal will not succeed in any event.

Conclusion

25. The development causes unacceptable harm to the character and appearance of the surrounding area, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, 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 (as amended).

Stephen Hawkins

INSPECTOR