



Appeal Decisions

Site visit made on 3 September 2026

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th September 2026

Appeal A Ref: APP/J0350/C/24/3358137

Appeal B Ref: APP/J0350/C/24/3358138

Land adjacent to 26 Maryside, Slough SL3 7ET

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr Mian Altaf and Appeal B is made by Mrs Umaira Haroon against an enforcement notice issued by Slough Borough Council.
- The notice was issued on 25 November 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of amenity land to residential, the erection of a close boarded boundary fence, shown edged blue on the attached Plan, and associated hardstanding, shown edged green in the attached Plan.
- The requirements of the notice are to:
 1. Cease the use of the land for residential purposes (such as garden and driveway).
 2. Remove the close boarded boundary fence (outlined in blue on the attached plan).
 3. Remove the hardstanding from the land (outlined in green).
 4. Reinstate the land back to its previous condition (grass).
 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 (3) Months after the notice takes effect.
- The appeals are proceeding on the grounds set out in section 174(2)(c) and (f) of the Town and Country Planning Act 1990 (as amended).

Summary of decision: The appeals are dismissed and the enforcement notice is upheld with a correction and variations in the terms set out below in the Formal Decision.

The Enforcement Notice

1. The allegation refers to a material change of use of “amenity land” to “residential use”. However, “amenity land” is not a planning use and “residential use” does not reflect the use of the land as a garden and driveway, as referred to in the requirements of the notice. The fence and hardstanding facilitate that use. I shall therefore correct the allegation to refer to the material change of use of the land to use as a garden and driveway in conjunction with the residential use of 26 Maryside, facilitated by the boundary fence and hardstanding.
2. Having regard to the corrected allegation, it is necessary to vary requirement 1 so that it requires the cessation of the use of the land as a garden and driveway. Requirement 4 is also varied to reflect the remedial purpose under section 173(4) of the 1990 Act, namely restoring the land to its condition before the breach occurred. This provides greater precision, as the phrase “before the breach occurred” is more specific than a reference to the land’s “previous condition”.
3. The correction and variations would not cause injustice to either party. This is because there is no requirement to refer to the former use where the breach is clear. In addition, the correction and variations reflect the breach addressed by the

parties, align the allegation with the requirements of the notice, do not widen those requirements, and clarify the steps needed to remedy the breach.

The Ground (c) appeal

4. An appeal on this ground is that the matter alleged, if it has occurred, does not constitute a breach of planning control. It is for the appellants to demonstrate, on the balance of probabilities, that the matter alleged does not constitute development, or alternatively, that it benefits from planning permission.
5. The appellants do not dispute that the land has been used as a garden and driveway, or that the associated fence and hardstanding have been installed. Their case is that the Heads of Terms for the purchase of the land from the Council and the Council's dealings with them, mean that those matters were permitted or otherwise lawful.
6. However, these documents do not demonstrate that the development is lawful in planning terms. This is supported by paragraph 5 of the Heads of Terms which state that the terms do not confer permission or approval in relation to planning permission, including for a change of use and/or fencing, and that the purchaser is required to obtain any necessary planning permission. Planning permission for the development was also sought and refused under references P/19444/003 and P/19444/004 which supports the conclusion that the development does not benefit from planning permission.
7. I acknowledge the appellants' concern that the Council should not have sold the land if it could not lawfully be used as a garden area. However, the sale and ownership of the land are separate from the question of whether planning permission is required for a material change of use. Ownership of land does not negate the need for planning permission where development has occurred. Whether planning permission is required must be assessed under planning legislation.
8. In addition, the fence exceeds one metre in height and is adjacent to a highway used by vehicular traffic. It would therefore not benefit from the permitted development right for a means of enclosure under Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
9. The appellants refer to neighbour support, nearby examples of fencing, and their personal circumstances, including the needs of their child and security. I have had regard to those personal circumstances. However, as no appeal has been made on ground (a), the planning merits of the development are not before me. The existence of other fences in the surrounding area, whether or not they have planning permission, does not establish that the development benefits from planning permission or permitted development rights. They therefore do not assist the appellants under ground (c).
10. The appellants have therefore not demonstrated, on the balance of probabilities, that the matters alleged do not constitute a breach of planning control. The material change of use amounts to development for which no planning permission, whether express or deemed, has been shown to exist. The ground (c) appeals therefore fail.

The Ground (f) appeal

11. An appeal on ground (f) is brought on the grounds that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by the matters stated in the notice as constituting a breach of planning control, or, as the case may be, remedy any injury to amenity which has been caused by such breach.
12. The alleged breach is the material change of use of the land, facilitated by the boundary fence and hardstanding. The purpose of the notice is to remedy that breach by requiring the cessation of the use as a garden and driveway and the removal of the fence and hardstanding which facilitate that use.
13. The appellants have not identified any lesser steps which would remedy the breach of planning control. Instead, the submitted ground (f) appeal focuses on the circumstances in which the land was purchased, the survey fee paid by the appellants, the content of the Heads of Terms, the Council's approach to the fence height, neighbour support, the complaint or investigation process, and the appellants' evidence about visibility at the junction and the previous presence of vegetation. These matters do not demonstrate that the requirements exceed what is necessary to remedy the breach. Rather, they go to the appellants' concerns about the Council's conduct, the planning merits of the development, or the effect of the fence, none of which identifies a lesser step that would remedy the breach.
14. As the purpose of the EN is to remedy the breach of planning control, the cessation of the use as a garden and driveway, together with the removal of the fence and hardstanding, is necessary to secure compliance. Even if the fence were reduced in height or retained in a different form, that would not remedy the unauthorised material change of use of the land, nor would it remove the associated works. I therefore find that the requirements of the notice are appropriate and do not exceed what is necessary to remedy the breach. The appellants have not advanced any lesser measures that would achieve the same result. Consequently, the ground (f) appeal fails.

Conclusion

15. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with a correction and variations.

Formal Decision

16. It is directed that the enforcement notice is corrected by:

- the deletion of the words:

"Without planning permission, the material change of use of amenity land to residential, the erection of a close boarded boundary fence, shown edged blue on the attached Plan, and associated hardstanding, shown edged green in the attached Plan".

and their substitution with the words:

"Without planning permission, the material change of use of the land to use as a garden and driveway in conjunction with the residential use of 26 Maryside, facilitated by the erection of a close boarded boundary fence

shown edged blue on the attached Plan and the associated hardstanding shown edged green on the attached Plan.”

and varied by:

- the deletion of the words:

“Cease the use of the land for residential purposes (such as garden and driveway).”

and their substitution with the words:

“Cease the use of the land as a garden and driveway.” in requirement 1) of section 5 of the enforcement notice.

and:

- the deletion of the words:

“Reinstate the land back to its previous condition (grass)”.

and their substitution with the words:

“Restore the land to its condition before the breach occurred.” in requirement 4) of section 5 of the enforcement notice.

17. Subject to the correction and variations, the appeals are dismissed, and the enforcement notice is upheld.

V Goldberg

INSPECTOR