



Appeal Decision

Site visit made on 15 September 2026

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2026

Appeal Ref: APP/T0355/C/25/3362183

2 Aston Mead, WINDSOR, SL4 5PW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Syed Ayaz Ahmed Quadri against an enforcement notice issued by the Royal Borough of Windsor and Maidenhead.
- The notice was issued on 18 February 2025.
- The breach of planning control as alleged in the notice is 'Without planning permission, the erection of a boundary treatment, consisting of one electric metal vehicle entrance gate, one metal pedestrian gate, rendered brick wall with associated pillars and integral metal slats'.
- The requirements of the notice are to: 1. Demolish the rendered brick wall with associated pillars and integral metal slats, as well as the pedestrian gate and vehicle gate, along the front south facing boundary, as identified on the appended drawing number 112/AP01 and shown in the image appendix EE1. 2. Following compliance with step 1, remove all associated material from the land to an authorised place of disposal.
- The period for compliance with the requirements is: two months.
- The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Decision

1. It is directed that the enforcement notice is varied by:

- the insertion of the following after the existing text in section 4.1 (What you are required to do):

'OR

Lower the height of the wall, piers/pillars, slats and gates so that no part of them exceed 1m in height above ground level.'

And,

- the deletion of two calendar months and its substitution with three calendar months as the period for compliance.

2. Subject to the variations, the enforcement notice is upheld.

The appeal on ground (d)

3. For the ground (d) appeal to succeed the onus is on the appellant to demonstrate, on the balance of probabilities, that at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated in the notice.
4. The appellant's claim relates only to two lengths of low rendered wall ended by capped piers which have been incorporated into the current frontage boundary enclosure. Those are visible in a street view image provided by the appellant, dated 2012.

5. That those walls existed for a period of more than four years prior to the issue of the notice is not disputed by the Council. However, as now part and parcel of the alleged breach, which the appellant does not claim to have been substantially complete for that relevant period, then the whole of the development is unauthorised. It is not possible to disaggregate integrated elements of the alleged development for the purposes of a ground (d) claim.
6. Absent of evidence to demonstrate that the breach as described in the notice was substantially completed for four years or more prior to the issue of the notice, the appeal on ground (d) must fail.

The appeal on ground (f)

7. This ground of appeal is that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity caused by the breach.
8. In this case, the notice alleges the erection of boundary treatments as a means of enclosure and requires that they are removed. The notice does not 'under-enforce', therefore the purpose of the notice must be to remedy the breach in its entirety.
9. For that reason, and because the appellant could not appeal the notice on ground (a) so that I could consider planning merits, I have no scope to consider whether the requirements of the notice are excessive to remedy any injury to amenity. The only case the appellant can make for ground (f) is that lesser steps would suffice to remedy the breach.
10. That said, as highlighted by the appellant, it is a well-established principle that the planning enforcement regime is intended to be remedial rather than punitive¹. The appellant asserts that the requirement for removal of development falling within prescribed limits under Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), is excessive. This is because the Class A right provides a fallback position for the appellant. This is not disputed by the Council.
11. While the appellant cannot claim permitted development rights retrospectively in respect of any part of the development already carried out, such rights could be claimed in the future and would enable the appellant to replace the wall and gates with items not exceeding 1m in height. Given the security concerns highlighted by the appellant, I find this represents a realistic fallback position for him.
12. In these circumstances, allowing the appellant to reduce the wall and gates in height is an obvious alternative, which would achieve essentially the same outcome as removing and replacing them, but with less cost and disruption. By not including this less disruptive option, I consider the requirements of the notice to be excessive.
13. Although there is a described scheme before me setting out a proposal for modifying the wall and gates, an amendment to the Notice should be described by the statutory limits of Class A of Part 2. Adopting this approach would not result in any less control over the finalised outcome than the appellant exercising his

¹ See *Tapecrow Ltd v FSS & the Vale of White Horse DC* [2006] EWCA Civ 1744

permitted development rights. I will therefore set this out as an alternative to the option of total removal.

14. For these reasons, the appeal on ground (f) succeeds.

The appeal on ground (g)

15. The appellant contends that the two-month period for compliance with the Notice is too short because replacement security arrangements would be necessary if the boundary treatments were removed. The appellant seeks the alternative of 12 months for compliance.

16. In balancing the public and private interests bound up in this case, I am mindful that the likely outcome arising from the appellant's success on ground (f) would mean that the site would not be left without enclosure. However, given the fabricated construction and part mechanisation of the gates, which are likely to require a more specialised approach to modification than complete removal, I find that the period of two months given for compliance with the notice would fall short of what is reasonable. Allowing for time to engage a suitable contractor, that period should be extended to three months. The appeal on ground (g) succeeds to that extent.

Conclusion

17. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control and the period for compliance with the Notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeals on grounds (f) and (g) succeed to that extent.

R Hitchcock

INSPECTOR