



Appeal Decision

Site visit made on 12 August 2026

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2026

Appeal Ref: APP/J0350/C/25/3376201

9 Elmshott Lane, Slough SL1 5QS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Pargan Singh (Mattu) against an enforcement notice issued by Slough Borough Council.
- The notice was issued on 6 November 2025.
- The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of a self-contained building and its use as a self-contained dwelling as shown with a solid blue line on the annexed plan.
- The requirements of the notice are to:
 - 5.1 Cease the use of the self-contained building as a dwelling;
 - 5.2 Remove the kitchen and shower room from the building;
 - 5.3 Remove the internal walls incorporating the shower room;
 - 5.4 Remove the water heater, all plumbing and associated pipework in connection to the kitchen and shower room within the building;
 - 5.5 Demolish the building in its entirety; and
 - 5.6 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: Six (6) calendar months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f) and (g) 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.

Summary Decision: The appeal is dismissed, and the enforcement notice is upheld with a variation.

Preliminary Matters

1. During the appeal, the Government released a revised National Planning Policy Framework in August 2026 (the Framework). I sought the parties' views on whether the changes had any bearing on the substance of the appeal. No responses were received to that request. However, I have had regard to the revised Framework as a material consideration when making my decision.
2. Since the Enforcement Notice (Notice) has been served, the appellant appears to have made changes on site, as well as curtailed or changed their activity. However, section 174(2)(b) and (c) of the Town and Country Planning Act (1990 Act) are worded in the past tense, and the question is whether the breach had occurred and if it amounts to a breach of planning control by the date of issue of the Notice. Section 174(2)(a) also infers, in respect of any breach of planning control which may be constituted by the matters stated in the Notice, planning permission ought to be granted. I will consider the appeal on this basis.
3. The appeal is lodged on grounds which include (a) and (f). An alternative scheme is advanced by the appellant as part of the ground (a) and (f) appeal, which indicates

that the building can be retained as a gym and storage, along with toilet and shower facilities incidental to the main building. To consider the alternative, I will have regard to it under the ground (a) appeal. Amongst other things, I will have regard to whether this outcome could be achieved by granting planning permission “in relation to the whole or any part” of the matters alleged in the Notice, either with or without conditions. As this had not been addressed in the submissions, I sought the parties’ views on this matter and will have regard to them when determining the appeal.

4. In response to my request for views on the alternative scheme, the Council referred to and attached a 2023 appeal decision relating to a site in Slough¹. As I had already had sight of the new material, and it had not previously formed part of the appeal submissions or been seen by the appellant, I disclosed it to the appellant and gave them an opportunity to comment. No further response was received. I am therefore satisfied that taking the material into account would not prejudice the appellant or any other party.

The Appeal on Grounds (b) and (c)

5. The appellant disputes that the building was a self-contained dwelling and says it was erected as an outbuilding incidental to the enjoyment of the main dwelling. To the extent that he says the matters alleged in the Notice did not occur as a matter of fact, this falls under ground (b). To the extent that he says the matters did occur but did not amount to a breach of planning control because the building benefited from permitted development rights, this falls under ground (c). Given the close overlap in the evidence and to avoid confusion, I have considered the two grounds together.
6. For appeals lodged on grounds (b) and (c), the burden of proof rests with the appellant and the relevant legal test is the balance of probabilities. The evidence must therefore be sufficiently precise and unambiguous to demonstrate either that the alleged breach had not occurred by the date the Notice was issued, or that, if it had occurred, it did not amount to a breach of planning control.
7. The Council has produced site visit records and photographs. These indicate that, by August 2024, kitchen facilities and a bathroom had been installed within the building. The Council’s visit on 10 September 2025 recorded the occupiers of the main property did not have access to the building and that it was occupied separately. The accompanying photographs show an open-plan room in the self-contained building comprising a kitchen with a cooker, hob, sink and fridge/freezer, together with a bed, seating and a television. They also show a separate room containing a toilet, wash hand basin and shower.
8. The Council has also submitted a Planning Contravention Notice (PCN) and the appellant’s response. The PCN was served on 10 September 2025 and completed by the appellant on 15 September 2025. A PCN is a formal statutory notice and false or misleading information in response to it may carry serious consequences. In that response, the appellant stated that he was the landlord of 9 Elmshott Lane and gave a separate address. It stated that the self-contained building was empty until March 2025 and was used as a separate unit of accommodation from March 2025. It was occupied by family friends from abroad between May and June 2025. It does not specify the occupiers of the self-contained building beyond June 2025 or

¹ Appeal Ref: APP/J0350/C/21/3289352

set out how it was used incidental or ancillary to the main property at the time of the Council's investigation.

9. In support of his case, the appellant states the structure was built as incidental to the main house and satisfies the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), Schedule 2, Class E. He has provided plans dated October 2022 that were undertaken to satisfy the requirements and limitations of Schedule 2, Class E of the GPDO. A building control certificate dated 23 May 2024 has also been included which describes the works as an outbuilding and includes the statement that the work does not concern a dwelling. It is also said that the building does not have separate access, amenity space, utilities, a postal address or the primary facilities commonly associated with a self-contained unit.
10. I have taken the building control certificate and plans into account. However, the certificate does not clearly explain the basis on which the Building Control Approver described the works as not concerning a dwelling. It does not identify what information was considered, what assessment was undertaken, or whether the planning use and function of the building were investigated. The October 2022 plans are also of limited assistance. Although they show a building of broadly similar form, they provide little detail as to its intended function or internal layout. There are also differences between the plans and the building constructed relating to the arrangement of openings.
11. The building regulations regime and the planning regime serve different purposes. Consequently, while the certificate is a relevant document, it is not determinative of the planning issue before me. In any event, neither the certificate nor the plans directly address the Council's later evidence that, before the Notice was issued, the building contained facilities for day-to-day living and was occupied separately from the main dwelling. I therefore can only attach limited weight to the building control certificate and plans as evidence to show the building was erected as an outbuilding and used as incidentally or ancillary to the enjoyment of the main dwelling.
12. Notwithstanding this, Article 3 of the GPDO grants planning permission for the classes of development listed in Schedule 2. Subject to limitations and conditions, Class E(a), Part 1 of Schedule 2 of the GPDO permits the provision within the curtilage of a dwellinghouse of a building required for a purpose incidental to the enjoyment of that dwellinghouse. I accept that the physical size, siting and height of the building are relevant to whether it falls within the limitations of Class E. However, compliance with those physical limitations would not, of itself, mean that the building was required for a purpose incidental to the enjoyment of the dwellinghouse.
13. There is no definition of 'incidental' in the GPDO, but the Technical Guidance for Householder Development² (Technical Guidance) advises that a purpose incidental to a dwellinghouse would not cover normal residential uses such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom or kitchen.
14. In view of the advice in the Technical Guidance, the GPDO does not grant permission for the creation of a separate self-contained dwelling or an annex with

² Permitted development rights for householders Technical Guidance, DCLG (2019)

primary accommodation. The term incidental in Class E connotes an element of subordination in land-use terms in relation to the enjoyment of the dwellinghouse. In this case, the introduction of primary residential accommodation, including a kitchen and sleeping accommodation, together with its use and occupation as evidenced, means the building was not incidental in the relevant planning sense. As such, the erection of the building with the accommodation evidenced, used as a dwelling or as an annexe, would not be permitted by Class E(a), Part 1 of Schedule 2 of the GPDO.

15. On the evidence before me, the building was capable of separate external access to the side of the main dwelling and contained the facilities ordinarily associated with independent day-to-day living, including sleeping and living space, cooking and kitchen facilities, washing facilities and a toilet. The appellant's evidence does not adequately explain how a building occupied by persons separate from the occupiers of the main dwelling, with access and facilities of that nature, in September 2025 functioned as an ancillary outbuilding rather than as separate living accommodation. The absence of a separate address or amenity space does not outweigh the evidence of the building's physical arrangement, facilities and separate occupation.
16. The appellant has referred to *Uttlesford District Council v Secretary of State for the Environment and White*. That judgment indicates that the presence of facilities such as a kitchen, bathroom, toilet and sleeping accommodation is not, of itself, determinative of whether a separate planning unit has been created. It remains necessary to consider the use and activities associated with the building, and its functional relationship with the main dwelling.
17. In this case the facilities must be considered together with the appellant's PCN response, the separate occupation of the main dwelling, the Council's site visit evidence, and the reported lack of access by the occupiers of the main property. Taken together, the evidence indicates that the building was being used as a separate self-contained dwelling rather than for a purpose incidental or ancillary to the main dwelling. Based on the evidence before me, the occupation of the building could not properly be characterised as incidental or ancillary to the enjoyment of the main dwelling. In that regard, this case is materially different and distinct from *Uttlesford*.
18. On the balance of probabilities, I find that the building had been erected and used as a self-contained dwelling by the date the Notice was issued. The appellant has failed to discharge the burden of proof and has failed to show that the matters alleged did not occur, nor has he shown that the building benefited from permitted development rights under Schedule 2, Class E of the GPDO, or any other express permission.
19. Accordingly, the appeal on grounds (b) and (c) fails.

The Appeal on Ground (a) and the Deemed Planning Application

20. The **main issues** are:

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

- Whether the development provides adequate accommodation for its occupants, with specific regard to internal and external space, privacy, light and outlook.
- The effect of the development on the living conditions of neighbouring occupiers, with regard to noise and disturbance.
- The effect of the development on highway safety.

Character and Appearance

21. The development along Elmshott Lane is mixed, with a range of commercial and residential uses, in addition to a church, a library and a primary school. In the immediate area, the row of five houses where the appeal site sits are positioned between two small local shopping parades. The properties are all detached, two storey properties with a gable end feature and bay windows fronting the road. There is a small set back behind a front garden area, with long rear private gardens. A small cul-de-sac is also present to the rear of the appeal site, accessed via Ascot Lane, with three dwellings fronting a small turning circle.
22. Although there is a varied character along the length of Elmshott Lane, within the immediate context of the appeal site, the consistency in the orientation and size of the dwellings together with coherent features and materials as well as the set back and plot layouts, provides a pleasant character and uniformity to the street scene.
23. The scale and appearance of the building erected are not objectionable in themselves and are comparable to, if not slightly smaller than the nearest neighbour's detached garage building. Nonetheless, the building forms a new dwelling, which subdivides the land into two planning units. The dwelling is a small single storey structure positioned in tandem with the host building. The tandem layout results in the development facing the rear elevation of the host building, which fails to have a logical relationship with dwellings fronting Elmshott Lane or Ascot Lane to the rear. The subdivision of the site produces a less spacious plot, with reduced garden spaces for both the unauthorised dwelling and the existing property
24. Accordingly, while the physical form of the building is not objectionable, its use as a separate dwelling would result in a cramped and uncharacteristic form of backland development. The scale, design and siting of the building would not be typical of the larger two storey dwellings in the locality. The constrained layout of the site, its orientation and the lack of a frontage and private rear garden space are also at odds with the immediate pattern of development and predominant character and appearance of the area.
25. The appellant has provided an example of a development that was approved for a neighbouring property on Elmshott Lane. I have not been provided with evidence that this development has been built, but nonetheless, it relates to an ancillary granny annexe rather than a dwelling. As such, this is not directly comparable to the development alleged as part of the Notice.
26. For the reasons given above, the development is at odds with the pattern of development and harmful to the character and appearance of the area, contrary to the requirements of Policies 1, 4 and 8 of the Slough Local Development Framework Core Strategy 2008 (Core Strategy) and Policies EN1 and H13 of the

Slough Local Plan 2004 (Local Plan). Collectively, these policies seek, amongst other matters, to ensure development is of a high-quality design that respects and is compatible with its surroundings in terms of design, scale and density. These policies are largely consistent with the Policies DP3(1), DP3(3) as well as L2(1)(d)(i) of the Framework.

Living Conditions of Occupants

27. The Council's photographs indicated that the open plan space was primarily used as a bedroom and living area with a double bed, seating, a TV and storage. The kitchen included a sink and drainer, a cooker, hob, extractor and an upright fridge/freezer. The bathroom has a walk-in shower, WC, and vanity unit.
28. The building has a modest footprint, and the everyday items of a bed and seating occupy a considerable part of the internal floor area. This leaves limited space for circulation, personal effects and basic storage. The building therefore provides a small and congested living space for occupiers. The building also has a single aspect window serving the kitchen and the main living area. This window is the only source of outlook and light for the kitchen and living area. The living area, therefore, has no direct source of outlook and only receives borrowed light from the window in the kitchen. This constraint means that occupiers are likely to be reliant on artificial light sources for long periods, especially during the winter.
29. Furthermore, the rear garden of the front dwelling and a first floor window in its rear elevation are close to the building. Without any intervening screening, occupiers of the building would also be impacted by undue levels of overlooking from the host property. For the same reason, there would be no source of private outdoor space.
30. In view of the above, the small scale of the building, the constraints on floor space as well as natural lighting and outlook mean the self-contained building offers oppressive living conditions to its occupiers. The overlooking from the host property and a lack of a private outdoor space reinforces the sense of a restrictive living environment. An environment lacking sufficient floor space, light, privacy, outlook and private outdoor space is likely to have detrimental effects on the health and well-being of its occupiers.
31. The development, therefore, does not provide adequate accommodation for its occupants, with specific regard to internal space, external private garden space, light, outlook and privacy. The development fails to accord with the requirements in Policies EN1, H13 and H14 of the Local Plan and Core Strategy Policy 8, which, amongst other things, seek high standards of design and ensure existing and proposed dwellings have appropriate amenity space. These policies are consistent with Policy L2(1)(d)(ii) of the Framework.

Neighbours' Living Conditions

32. Occupiers of the self-contained dwelling access it by walking along the side of the existing house. Residents of the main property would thus be exposed to activity associated with the increased movements when occupants and visitors accessed the property to the rear. This would introduce regular comings and goings along a route closely related to the main dwelling's side windows and through the private garden. Even if modest in scale, those movements would be likely to generate noise and activity in areas where the occupants of the main house could

reasonably expect a greater degree of privacy and quiet enjoyment. This would result in an unacceptable impact on their living conditions.

33. Furthermore, I have had regard to the orientation of the self-contained dwelling, the scale and potential number of occupants, which somewhat mitigates the impacts on the nearest adjoining neighbour at 7 Elmshott Lane. However, the site is in an urban area, and the rear gardens of the residential properties provide a secluded, quiet space for their occupants. Its siting close to this neighbour's private garden space, coupled with the increased movements, noise and activity associated with the additional dwelling, would inevitably cause unacceptable disturbance to the occupiers of the adjoining residential property in the use of their private garden.
34. I am also conscious of the fact that movements to and from the dwelling to the rear could occur at more unsociable times in the morning and night. At these times, noise and disturbance from the use would exacerbate the impact on the host property and the adjoining neighbours' living conditions.
35. I am of the view that such an increase in activity would be likely to result in an adverse level of noise and disturbance for the occupiers of the neighbouring dwellings, thereby having an unacceptable impact on their living conditions, contrary to Policy C8 of the Core Strategy and Policies EN1 and H13 of the Local Plan, which seek to ensure that development is compatible with and/or improves its surroundings in terms of the siting and relationship to nearby properties. These policies are consistent with Policy L2(1)(d)(ii) of the Framework.

Highway Safety

36. There are no parking spaces to the front of the host property, and from my observations on site, there is a single space to the rear of the unauthorised self-contained building off Ascot Lane. As a result, visitors to the unauthorised building and occupiers and visitors to the host dwelling would not have off road spaces and are likely to have to park any private motor vehicles at the roadside.
37. I have not been provided with any substantive evidence from the Council regarding parking capacity in the locality or how the increased need for parking associated with the development has led to specific highway safety impacts.
38. From what I saw, there are significant restrictions on roadside parking in the immediate vicinity on Elmshott Lane and Ascot Lane, but I observed opportunities for parking at the roadside in some nearby adjacent streets with limited restrictions. I accept that this might be a snapshot in time, and that greater roadside parking pressure might occur at other times. However, given the building's restricted size and likely occupation, it is unlikely to need more than one vehicle. As a result, in my judgement, any additional roadside parking arising from occupation of the building is likely to be accommodated within the nearby streets without leading to a significant impact on highway safety.
39. Furthermore, buses and trains are accessible nearby, providing frequent access to the town centre and other local destinations. The site is also well served by the nearby parade of local shops, a very short walk away. Given the site's accessibility to public transport, services and facilities, occupiers would not be wholly dependent on private vehicles to access jobs, schools as well as everyday facilities and shops. Accordingly, there is no compelling need for additional off-street parking provision associated with the development.

40. Consequently, based on the evidence before me, the development does not have an unacceptable demand on parking or effect on highway safety. The development accords with the criteria set out within Policy 7 of the Core Strategy, which seeks to ensure that development is sustainable and is located in the most accessible locations, thereby reducing the need to travel. It would also be compliant with Policy TR6(4) of the Framework, which states that development should be refused if it would have a severe adverse impact on the transport network or an unacceptable impact on highway safety

Alternative Scheme

41. I sought the parties' views on my consideration of the potential for an alternative scheme highlighted in the preliminary matters.
42. I have had regard to the parties' submissions on whether the appellant's alternative proposal could be considered within the deemed application. The appellant seeks retention of the building for gym and storage purposes, with toilet and shower facilities, as an incidental or ancillary building rather than as a self-contained dwelling. However, the question is not simply whether the same physical structure would remain, but whether the alternative proposal falls within the whole or any part of the matters alleged in the Notice.
43. The allegation is directed to the erection and use of a self-contained dwelling. Although the alternative proposal would retain the same structure, it would depend on the building having a different planning status and function, namely as an incidental or ancillary building serving the main dwelling. I therefore do not agree that it represents the whole or part of the matters alleged in the Notice. Rather, it would amount to a different form of development, falling outside the scope of the deemed application arising from the ground (a) appeal.
44. Accordingly, the alternative proposal to retain the building as an ancillary structure does not form part of the matters alleged in the Notice and falls outside the scope of the deemed application arising from the ground (a) appeal.

Planning Balance and Conclusions on Ground (a) and the Deemed Planning Application

45. In light of the above, it is clear that to allow the development would be contrary to Policies 1, 4 and 8 of the Core Strategy and EN1, H13 and H14 of the Local Plan, which seek to ensure the character and appearance of the area is not adversely affected and the living conditions of neighbours and future occupiers are protected from poorly designed and sited development. I therefore give substantial weight to the conflict with the development plan policies, which are largely consistent with the Policies DP3(1), DP3(3) as well as L2(1)(d)(i) and (ii) of the Framework.
46. Policy S4 of the Framework establishes a presumption in favour of development within settlements. However, S4(2)(c) recognises that this presumption will not apply where the benefits of approval are likely to be substantially outweighed by adverse effects, including where a proposal fails to comply with a national decision-making policy which states that development should be refused in specified circumstances.
47. The proposal would provide an additional dwelling and would therefore make a contribution, albeit limited, to meeting identified housing needs. Policy HO7 of the Framework requires substantial weight to be given to the benefits of providing

homes that contribute towards evidenced accommodation needs. Nevertheless, for the reasons given above, the development would conflict with Policy DP3 of the Framework. Policy DP3(3) states that development proposals should be refused where, without clear justification, they conflict with the requirements of DP3(1). Given my findings on character and appearance this is such a case.

48. Accordingly, while I attach substantial weight to the provision of an additional home, that benefit is outweighed by the harm I have identified, the conflict with the development plan policies and Policies DP3 and L2 of the Framework. The proposal would therefore not benefit from the presumption in favour of development under Policy S4 and would not represent sustainable development when assessed against the development plan and the Framework as a whole.
49. I have also had regard to the Human Rights Act 1998. My findings indicate that the building was used as a self-contained dwelling and therefore rights under Article 8 and Article 1 of the First Protocol may be engaged. However, the evidence before me does not indicate that the building is presently occupied as anyone's home and the appellant's case is that it should be retained for ancillary purposes as a gym and storage. Any interference with occupiers' human rights arising from upholding the Notice would therefore be limited and, having regard to the harm identified and the public interest in maintaining proper planning control, remedying the breach would be proportionate and justified.
50. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal on ground (a) should be dismissed.

The Appeal on Ground (f)

51. An appeal has been made on ground (f), asserting that the requirements outlined in the Notice exceed what is necessary. For this appeal to succeed, it must be demonstrated that the steps for compliance with the Notice surpass what is necessary to remedy the breach of planning control or to mitigate any harm.
52. Under Section 173 of the 1990 Act, two objectives can guide the requirements of an enforcement notice. The first, as described in section 173(4)(a), is to correct the breach of planning control. The second, outlined in section 173(4)(b), aims to rectify any harm to amenity caused by that breach. In this case, the steps of the Notice require the cessation of the use and the removal of the building alleged. Thus, the primary purpose of the Notice is to remedy the breach of planning control, consistent with the objectives in section 173(4)(a) of the 1990 Act.
53. The appellant contends that it is excessive to require the removal of the bathroom facilities or wet room as well as the building. It is indicated that it would not undermine the purpose of the Notice to delete the steps that require the bathroom facilities and building to be removed but its retention and use for purposes incidental to the main dwelling. Although I understand why the appellant has requested these lesser steps, these stipulations are more characteristic of the retention of a building with a planning condition restricting its use. This accounts for my consideration of the appellant's proposal as a possible alternative scheme, notwithstanding my conclusion that it did not form part of the matters alleged.
54. The Notice alleges the unauthorised erection of a self-contained building and its use as a self-contained dwelling. A requirement which allowed the building alleged

to remain would not fully remedy the breach of planning control. If the demolition requirement were removed, and the remaining requirements were complied with, section 173(11) of the 1990 Act could operate so as to grant unconditional planning permission. That permission would not be subject to a condition restricting the building to an incidental or ancillary use. Nor can that difficulty be overcome by adding a requirement restricting the use of the building. Such a restriction cannot be imposed as part of the requirements of an enforcement notice.

55. I have had regard to the appellant's ground (f) appeal, but the purpose of the Notice is clearly confined to section 173(4)(a) of the 1990 Act. The Notice seeks to remedy the breach by ceasing the use as well as removing the facilities and the building, which does no more than is required to remedy the breach. To allege an unauthorised building and require it to be removed is not an excessive requirement to remedy the breach of planning control.

56. The appeal on ground (f) fails.

The Appeal on Ground (g)

57. An appeal on ground (g) is that the period specified in the Notice falls short of what should reasonably be allowed.

58. The Notice specifies a period of six months from the date the Notice takes effect, and the appellant has considered a period of nine months would be reasonable. The appellant considers the time unreasonable since the contracting company that undertook the works would not be available to begin the works. It is said it would be reasonable for the Council to factor this into the timescales, as well as the fact that the utilities and sub-ground works would have to be removed.

59. I have had regard to the appellant's ground of appeal. However, he has not advanced any substantive case to explain why the unauthorised use of the building as a separate dwelling could not cease within the six-month period specified in the Notice. On the evidence before me, I am not persuaded that a longer period is reasonably required to comply with requirement 5.1.

60. In respect of requirements 5.2 to 5.6, the appellant refers to the availability of the contractor who undertook the works, the need to remove utilities and sub-ground works, and the practicalities of demolition and clearance. However, limited evidence has been provided on that contractor's availability, whether other contractors could undertake the works within the specified period, or the likely duration of the works once commenced.

61. Nevertheless, the appellant's stated objective is to retain the building for an ancillary use. As I cannot consider the planning merits of that alternative scheme in this appeal, I consider that the time for compliance with requirements 5.2 to 5.6 can be extended. This would allow sufficient time for the appellant to submit an alternative scheme for the Council's consideration, and for that proposal to be considered, while also allowing enough time to engage a contractor and undertake the works necessary to comply with the Notice. I therefore find that nine months is a reasonable period to remove the facilities and building as well as dispose of the waste, as required by requirements 5.2 to 5.6.

62. As such, the appeal on ground (g) succeeds in part, and I will vary the Notice accordingly.

Overall Conclusion

63. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the Notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Formal Decision

64. It is directed that the Notice is varied by:

In paragraph 6, delete the words and substitute the following words: 'In respect of requirement 5.1, the time for compliance shall be a period of 6 months from the date the Notice takes effect, and for requirements 5.2 to 5.6, the time for compliance shall be a period of 9 months from the date the Notice takes effect.'

65. Subject to the variation, the appeal is dismissed, the 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.

M. P. Howell

INSPECTOR