



Appeal Decisions

Site visit made on 3 September 2026

by Richard S Jones BA(Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2026

Appeal A Ref: APP/T0355/C/24/3353234

Appeal B Ref: APP/T0355/C/24/3353235

Land at Sunnyside, Stanwell Road, Horton, SL3 9PE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Arjun Singh Sian against an enforcement notice issued by Royal Borough of Windsor and Maidenhead.
 - Appeal B is made by Mrs Parwinder Kaur Sian against the same enforcement notice issued by Royal Borough of Windsor and Maidenhead.
 - The notice was issued on 4 September 2024.
 - The breach of planning control as alleged in the notice is the erection of a boundary wall with associated gates and pillars, without planning permission.
 - The requirements of the notice are to:
 1. Demolish the brick wall, pedestrian gate and both vehicle gates along the Stanwell Road and Coppermill Road boundary lines, as identified on drawing number A133HS-V2-5, submitted on 28th September 2022 as part of application 22/02089/FULL, and further identified on the appended site plan with a blue line.
 2. Remove all resulting materials from the land.
 - The period for compliance with the requirements is two months.
 - The appeals are proceeding on the grounds set out in section 174(2)(e) and (f) of the Town and Country Planning Act 1990 (as amended).
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Decisions

Appeals A and B

1. The appeals are dismissed, and the enforcement notice is upheld.

Appeals A and B on Ground (e)

2. An appeal on ground (e) is that the notice was not properly served on everyone with an interest in the land.
3. The Council explains that the enforcement notice was served on 05 August 2024, via Royal Mail recorded delivery, but because the tracking system was unable to prove it had been delivered to three of the four recipients, and no contact had been received, an enforcement officer attended the site on 03 September 2024 with printed copies of the notice and covering letters. As the appellants explained they had no prior knowledge of the notice, the Council says it decided to vary the date of issue of the notice to 4 September 2024, and the date when it was to come into effect to 7 October 2024, pursuant to its powers under s173A(1)(b) of the Town and Country Planning Act 1990 as amended (the 1990 Act). The appellants have a different take on why it was varied. They say it was because of a formal complaint lodged over the limited time available to appeal before the notice came into effect.

4. In either scenario, whether or not the original enforcement notice was properly served on the appellants, now makes no difference. That is because the appeal is made against the varied notice, which was issued on 4 September 2024, before the original had come into effect, and sent via Royal Mail “Signed For” service. The Council has evidenced that the varied notice was delivered to and signed for by one of the appellants on 6 September 2024, thereby complying with s172(3)(a) and (b) of the 1990 Act, which stipulates that an enforcement notice must be served not more than 28 days after the date of issue, and not less than 28 days before it is to take effect.
5. The appellants refer to a breach of s72 but do not clarify the legislation being referred to. If it is the 1990 Act, that relates to the conditional grant of planning permission so is not relevant to this appeal against an enforcement notice under s174. If the appellants intended to refer to s172 of the 1990 Act, that is addressed above.
6. In any case, s176(5) of the 1990 Act provides that any failure to serve may be disregarded if the appellant has not been substantially prejudiced. The appellants do not argue that the varied notice was not properly served on them, and they were evidently able to make an appeal against it, before it came into effect. Moreover, the appellants do not claim that any other person was not served with a copy of the notice when they ought to have been.
7. I therefore conclude that the appellants have not demonstrated that the notice was not properly served, or that any such failure gave rise to substantial prejudice. The appeals on ground (e) fail.

Appeals A and B on Ground (f)

8. An appeal on ground (f) is that the requirements of the enforcement notice are excessive to remedy the breach of planning control or, as the case may be, the injury to amenity caused by the breach.
9. In this case the breach of planning control is the erection of a boundary wall with associated gates and pillars, without planning permission. The requirements of the notice are, in short, to demolish the brick wall, pedestrian gate and both vehicle gates and remove all resulting materials from the land. The purpose of the notice must therefore be to remedy the breach of planning control. Indeed, the Council confirms as much.
10. As part of their appeal under ground (f), the appellants have made submissions on matters including character and appearance, flood risk/resilience, highway safety, privacy, security, a previously approved fence, neighbour support, development plan policy and the National Planning Policy Framework.
11. The appellants have also sought to draw my attention to what they consider to be very special circumstances in favour of the boundary treatment. Firstly, they refer to an approval for what they consider to be the same type of enclosure at the neighbouring property known as Trevescan. Other purported precedents are also highlighted on Stanwell Road, Coppermill Road, Station Road, High Street, Staines Road and on the B376.
12. Secondly, the appellants seek to highlight the requirements of their certificates of exemption for their banned XL Bully dogs, including keeping them in secure

conditions that stop them from escaping. They also refer to the inadequacies of the previous fence to safely contain those dogs and their third dog (a mastiff), as well as their welfare needs.

13. Thirdly, they explain that the enclosure was put in place in response to their highway safety related concerns, including the number of car accidents that have occurred in the immediate vicinity, two of which resulted in damage to their fence (presumably that which was pre-existing). The appellants' have also referred to their safety concerns arising from an accident that occurred in January 2026, where a vehicle drove through the wall.
14. I understand that the appellants are not professionally represented, nevertheless, the planning merits of the case (including the appellants' personal circumstances relating to their dogs), can only be considered pursuant to an appeal made under ground (a), which is that planning permission should be granted for what is alleged in the notice¹. As the appellants have not made a ground (a) appeal, general planning considerations cannot be introduced under ground (f).
15. Indeed, given the absence of a ground (a) appeal and the purpose of the notice, any lesser step that would not remedy the breach cannot be accepted through a ground (f) appeal. That includes changing the design of the enclosure and reducing its height as suggested by the appellants.
16. Under ground (f) I am only able to consider whether the steps exceed what is necessary to remedy the breach. To that end, I find that the requirements of the notice tally and logically follow from the breach and are not excessive for the purposes of remedying the same.
17. The appeals on ground (f) fail.

Conclusion

18. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

Richard S Jones

INSPECTOR

¹ A ground (a) appeal requires payment of a fee for the deemed planning application