SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE **DATE: November 2024**

PART 1

FOR INFORMATION

Planning Appeal Decisions

Set out below are summaries of the appeal decisions received recently from the Planning Inspectorate on appeals against the Council's decisions. Copies of the full decision letters are available from the Members Support Section on request. These decisions are also monitored in the Quarterly Performance Report and Annual Review.

WARD(S) ALL

Ref	Appeal	Decision
APP/J0350/C/24/3340428	14, Spencer Road, Slough, SL3 8RS Without planning permission, the material change of use of the outbuilding with associated facilitating works and its use as a self-contained dwelling ("the Unauthorised Material Change of Use"), and the erection of a plastic/timber framed single storey rear extension to the main dwelling house outlined blue on the attached plan ("the Unauthorised Development").	Dismissed & Granted in Part 24th October 2024
APP/J0350/D/24/3346883	8, Sheffield Road, Slough, SL1 3EE Construction of a two storey side, first floor rear extension and hip to gable loft conversion with rear dormer The main issues in this appeal are the effect of the proposal on the character and appearance of the existing property and on the local area, and the effect of the proposal on the living conditions of neighbouring residents with particular regard to overlooking, outlook, daylight and sunlight. Regarding the first matter, the inspector notes that the ground floor replaces the existing and matches the adjoining neighbour and the two storey element is inset from the side boundary to ensure appropriate spacing and would not appear overly wide. The inspector notes that the proposal would not fully accord with the RESPD 2010, but an exception is made as a Lawful Development Certificate has been granted for a hip to gable roof extension with a dormer. Regarding the second matter, given the siting and spacing of the first floor extension, the inspector is satisfied that the outlook including light and daylight would not be affected. There would be some overlooking, but this would not materially exacerbate the situation. The appeal is allowed including conditions that materials should match the existing, built in accordance with the approved plans and that the	Appeal Granted 25th October 2024

	accommodation shall not be subdivided or used in multiple occupation.	
2020/00578/ENF	Land at Rear of 42-44 Lake Avenue, Slough Without planning permission, the erection of a spray booth and material change of use of the site from Mixed Use (Class C3 single family dwellinghouse and storage and sale of used cars) (Unauthorised Use) to a sui generis use consisting of Class C3, storage and sale of used cars and commercial spraying	Appeal Dismissed 1st November 2024
P/05737/005	Land to the rear of, 42-44, Lake Avenue, Slough, SL1 3BZ Retention of replacement spray booth/outbuilding (retrospective)	Appeal Dismissed 1st November 2024
APP/J0350/W/24/3341581	33, Bower Way, Slough, SL1 5HW Amendments to existing warehouse elevations including fenestration changes and external wall cladding and erection of a timber pergola following the demolition of existing structure.	Appeal Dismissed 8th November 2024

The Planning Inspectorate

Appeal Decision

Site Visit made on 9 October 2024

by J Whitfield BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2024

Appeal Ref: APP/J0350/C/24/3340428
14 Spencer Road, Slough SL3 8RS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act). The appeal is made by Mr Syed Quadri against an enforcement notice issued by Slough Borough Council (the LPA).
- The notice was issued on 12 February 2024.
- The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the outbuilding with associated facilitating works and its use as a self-contained dwelling ("the Unauthorised Material Change of Use"), and the erection of a plastic/timber framed single storey rear extension to the main dwelling house outlined blue on the attached plan ("the Unauthorised Development").
- The requirements of the notice are:
  1. Cease the use of the outbuilding as a self-contained dwelling.
  2. Remove the kitchen from the outbuilding.
  3. Remove all plumbing, boiler and associated pipework in connection to the kitchen within the outbuilding.
  4. Demolish the additional single storey rear extension (as outlined in blue on the attached plan) in its entirety.
  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: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (f) 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 of Decision: The appeal succeeds in part in relation to the material change of use. Otherwise, the appeal is dismissed and the enforcement notice is upheld with a correction and variations in the terms set out below in the Formal Decision.

The Notice

1. At section 5.4, the notice requires the demolition of the "additional" single storey rear extension. There is no use of the word "additional" in the alleged breach. I will vary the requirement at section 5.4 to reflect the wording of the alleged breach and can do so without injustice to the LPA or the appellant.

Appeal on ground (b)

2. An appeal on ground (b) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, that those matters have not occurred. The notice alleges both the material change of use of the outbuilding to a self-contained dwelling and the erection of a rear extension.

3. The appellant states that the material change of use of the outbuilding to a separate dwellinghouse has not occurred. The building is said to be occupied intermittently by a family member who visits for three or four months every year from overseas. It is said that they eat with the family, both in the house and the outbuilding, that they help with domestic work and look after the appellant's children. However, due to medical conditions, they are unable to ascend stairs to reach the bedroom and bathroom facilities in the main house. Thus, they sleep and use the bathroom facilities in the outbuilding. Outside of those times, it is said the building is used by the family as a gym, children's play area and for family gatherings throughout the year. However, the appellant submits that it is not occupied by anyone else.

4. The outbuilding contains an open plan area with a kitchen comprising an oven, hood, sink, fridge, worktop and cupboards. At the time of my visit the area also contained a bed, a TV and some furniture. There is a separate shower room containing a shower, toilet and sink.

5. The outbuilding is accessed by a door in the front elevation facing the rear yard area of the dwellinghouse. It also has a separate door which leads directly out onto the communal garage area to the rear of Spencer Road, Hampden Road and Harrow Road. The appellant does not argue that the facilities or the rear door in the outbuilding were not present at the time the notice was issued.

6. There is no definition of the term 'dwellinghouse' in the Act. However, it was established in *Gravesham BC v SSE & O'Brien* [1983] JPL 306 that the distinctive characteristic of a dwellinghouse is its ability to afford to those who used it the facilities required for day-to-day private domestic existence.

7. I am satisfied that, at the time the notice was issued, the outbuilding was capable of being used as a self-contained dwellinghouse by reason of the internal accommodation it provided and its ability to be accessed independently of the main dwelling.

8. However, case law has established that the fact that the building is capable of being used as a separate, self-contained residential unit, does not necessarily mean that is has been. The issue is whether the outbuilding was a separate planning unit at the time the notice was issued. Indeed, as was established in *Uttlesford DC v SSE & White* [1992] JPL 171, the residential use of an outbuilding may be regarded as part and parcel of the use of the dwellinghouse, even if the outbuilding contains the facilities required for use as a self-contained dwellinghouse.

9. It is necessary to assess the physical and functional links between the use of the outbuilding and main dwelling and consider whether a separate planning unit has been created as a matter of fact and degree.

10. I saw from my site visit that the garden has not been subdivided. The host dwelling and the outbuilding face onto and enclose the rear garden. There is no delineation or separation between the two externally. It remains in use as a single amenity space which is accessed via doors in the rear of the host property.

11. Moreover, there is no evidence that the outbuilding has been let to tenants, either long term or short term nor any evidence that it has been advertised as

available for let. There is no evidence that the building has been subject to separate Council Tax or separate utility bills.

12. In contrast, the evidence suggests that it has been occupied by a member of the appellant's family, on an intermittent basis. The family member has been part of the household partaking in meals, family events and moving between the outbuilding and the house on a casual basis.

13. The LPA indicates that the appellant's evidence is inconsistent with complaints received by them from neighbours which state that the outbuilding was being used as an independent dwelling. However, the details of those complaints are not before me.

14. The LPA indicates that one of its officers met a person at the outbuilding during a visit in July 2023 who was not, on the LPA's description, the appellant's family member.

15. Photographs taken by the officer on 5 July 2023 show the fridge within the outbuilding filled with perishable food items, cupboards containing longer life food items, cleaning products, crockery and other kitchen items. The photographs also show toiletries and other sanitary items in the bathroom.

16. However, there is no presence of the person described by the LPA as being there apparent from the photographs. Furthermore, the appellant points to the nature of the clothes hanging on the washing line and the presence of ointments in the photographs as contradictory to the description of the person the LPA's officer said was living in the outbuilding at the time.

17. I agree that some of the clothes and other items apparent on the photographs are more indicative of the person occupying the outbuilding at the time matching the description of the appellant's family member rather than a person of the LPA's description.

18. Moreover, the appellant's submissions show stamps from what is said to be their family member's passport which shows they left their country of residence on 23 May 2023, arrived in the UK on 29 May 2023 and returned on 6 September 2023. This suggests they were in the UK at the time of the LPA's site visit.

19. In addition, the appellant indicates that, at the time of the LPA's visit, they had a cleaner who matched the description given by the LPA. Whilst there is little evidence to support that, there is nothing from the LPA which disputes it.

20. Paragraph 18 of the appellant's statement, purports to reiterate points from the appellant's affidavit, which is appended to it. One of those points is that the appellant's mother has been staying in the outbuilding regularly since the house was purchased in 2016.

21. The LPA says this is inconsistent with the appellant's arguments that the outbuilding was in a state of disrepair prior to 2020 and the works to facilitate its occupation were not done until 2020. This, the LPA says, casts doubt on the credibility of the appellant's evidence.

22. However, there is nothing in the appellant's affidavit to that effect. The appellant states therein only that their family member has been coming to England since 2006, not that they have been staying in the outbuilding since

they purchased the house eight years ago. As such, the third bullet point in paragraph 18 of the appellant's statement is a misrepresentation of the appellant's evidence. On that basis, I am satisfied it does not shed doubt or call into question the consistency of the appellant's evidence.

23. The LPA also calls into question the medical evidence the appellant has proffered in support and the mobility issues said to be experienced by the appellant's family member. However, ultimately what matters is not why the appellant's family member has occupied the outbuilding but how they have occupied it. In this instance, I am satisfied it has been occupied as part of a single household with the main dwellinghouse.

24. Case law has established that an appellant's evidence should not be rejected simply because it is not corroborated. If there is no evidence to contradict or make the appellant's version of events less than probable, and the evidence is sufficiently precise and unambiguous, there is no good reason to dismiss the appeal. I am satisfied that the appellant's evidence is sufficiently precise and unambiguous in this instance and there is nothing before me from the LPA that makes the appellant's version of events less than probable. Consequently, it seems to me that, the dwellinghouse and outbuilding remain part of the same planning unit, occupied by a single household.

25. As a result, I find that, as a matter of fact and degree, the material change of use of the outbuilding to a separate dwelling has not occurred.

26. On that basis, the appeal on ground (b) succeeds in part in relation to the material change of use of the outbuilding with associated facilitating works and its use as a self-contained dwelling. I will correct and vary the notice accordingly. Insofar as the appeal on ground (b) succeeds, the appeals on grounds (c), (d), (a) and (f) in respect of the material change of use of the outbuilding, do not fall to be considered.

Appeal on ground (c)

27. An appeal on ground (c) is made on the basis that, in respect of any breach of planning control constituted by the matters stated in the notice, that those matters do not constitute a breach of planning control.

28. Article 3(1) of the Town and Country (General Permitted Development) (England) Order 2015 (the GPDO) grants planning permission for those classes of development described as permitted development in Schedule 2.

29. Class A of Part 1, Schedule 2 of the GPDO denotes the enlargement, improvement or other alteration of a dwellinghouse as permitted development. Development is not permitted by Class A if, amongst other things, as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

30. The appellant indicates that there is 96m² of curtilage. The outbuilding amounts to 39m². There is no dispute between the parties that it is lawful due to the passage of time. The appellant states at separate points that the extension is 5m and 6m wide. It is also said to be 2.5m deep. Thus it either has an area of 12.5m² or 15m². The LPA state it is 11m². Either way, the extension would result in the area of ground covered by buildings within the

curtilage totalling 51.5m², 54m² or 50m². On any of the figures, that would exceed 48m² which is 50% of the total curtilage. As a result, the extension is not permitted development under Class A of Part 1, Schedule 2 of the GPDO. It is not therefore granted planning permission by Article 3(1) of the GPDO.

31. In the absence of any evidence of any other planning permission having been granted for the extension, I conclude that the alleged breach amounts to the carrying out of development without the required planning permission and, as a consequence, is a breach of planning control for the purposes of S171A(1)(a) of the Act.

32. The appeal on ground (c) therefore fails.

Appeal on ground (d)

33. An appeal on ground (d) is made on the basis that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters stated in the notice, as corrected.

34. To succeed, the appellant would need to demonstrate, on the balance of probabilities, that the extension was substantially completed on or before 12 February 2020.

35. However, the appellant does not say when the extension was substantially completed and there is no evidence to support any proposition that the notice was issued four or more years after the extension was substantially completed.

36. As a result, the appellant has not discharged the burden of proof and it has not been demonstrated that, at the date when the notice was issued, enforcement action could not have been taken against the erection of a plastic/timber framed single storey rear extension to the main dwelling.

37. The appeal on ground (d) therefore fails.

Appeal on ground (a)

38. An appeal on ground (a) is made on the basis that, 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. Where an appeal on ground (a) is brought, an application for planning permission is deemed to have been made.

Main Issues

39. The main issues are:

- the effect of the development on the character and appearance of the area;
- whether the development will have a harmful effect on existing and future occupiers of the property with regard to private outdoor space.

Character and Appearance

40. The appeal property comprises a two-storey, terraced dwellinghouse, located in an area which is predominately residential in character. Whilst the appeal property has been finished in a white render, the overwhelming, prevailing

character of the area is defined by a material palette of stock brick and tiled pitched, roofs.

41. There are several examples of rear extensions in the area. Where they are found, they are generally finished in brick, with pitched tiled roofs, reflecting the prevailing vernacular.

42. In contrast, the extension is a flat roof addition which projects across almost the entirety of the width of the house. It is entirely clad on its external walls in white, UPVC cladding and has a flat roof. As a result, it appears distinctly at odds to the design of both the main dwelling and the surrounding properties.

43. Whilst I note the location of the extension to the rear of the property and the presence of the outbuilding in part screens the extension from some views, it is nevertheless visible from neighbouring gardens and from Hampden Road. Where it can be seen, it appears as an incongruous addition to the appeal property.

44. I conclude, therefore, that the extension has a harmful effect on the character and appearance of the area. As a result, it conflicts with Policies EN1 and EN2 of The Local Plan for Slough March 2004 (the LP) which states that development proposals are required to reflect a high standard of design; and, extensions to existing buildings should be compatible with the scale, materials, form, design, fenestration, architectural style, layout and proportions of the original structure. There is also conflict with LP Policy H15 insofar as it states proposals for extensions to existing dwelling houses will only be permitted if they are of a high quality design and use materials which are in keeping with both the existing property and the identifiable character of the surrounding area.

45. The development will also conflict with Core Policy 1 and Core Policy 8 of the Slough Local Development Framework Core Strategy Development Plan Document December 2008 (the CS) which require development to be related to the site's current character and of a high quality design.

46. Finally, there will be conflict with the design principles of the Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document 2010 (SPD) which require extensions to be in keeping with the original design of the house and its surroundings.

47. The notice also cites conflict with CS Core Policy 4 and Core Policy 7. However, the Policies relate to the type of housing and transport. They are not relevant to extensions to existing properties. Likewise, it cites LP Policy H13 which relates to backland/infill development and thus is not relevant to the development before me.

Living Conditions

48. The LPA's concern is that the extension has reduced the level of outdoor space within the rear garden to the detriment of the living conditions of the occupiers of the property.

49. Whilst I note that the garden area is much reduced compared to neighbouring properties, this is principally due to the outbuilding which the parties agree to be lawful. Although the extension further reduces the available garden area, I am nevertheless satisfied that the remaining garden area is sufficient in terms

of size and shape to support the day-to-day activities of a family living in such a sized property.

50. I conclude, therefore, that the development will not have a harmful effect on the living conditions of existing and future occupiers of the appeal property with particular regard to private garden space.

51. As such, the development complies with LP Policy H14 which states that the appropriate level of amenity space will be considered with reference to, amongst other things, the quality of the proposed space in terms of area, depth, orientation, attractiveness, usefulness and accessibility. The development will also comply with LP Policy H15 insofar as it states that extensions to existing houses will be permitted where an appropriate level of rear garden space is maintained. Finally, it will accord with Design Principle DP9 of the SPD which states that extensions should not result in there being an unacceptably low level of amenity space.

Other Matters

52. The appellant argues that they have a fallback position, in that they could construct a smaller extension with the same materials under Class A of the GPDO.

53. However, even if that were the case, any such extension would be smaller and thus would not be more harmful to the character and appearance of the area than the extension subject of the notice. As a result, the fallback position would not justify the harm arising from the breach of planning control.

54. The appellant suggests the extension is only partially completed and it is their intention to insert glazing in the large opening in the rear wall.

55. S177(1) of the Act only allows for the grant of planning permission for the whole or part of the matters and thus, planning permission cannot be granted for more than the partially constructed extension. As such, it is not open to me to grant planning permission for the extension with the proposed glazing incorporated into it.

56. In any event, the installation of glazing in the opening would not overcome the planning harm arising to the character and appearance of the area from the materials and design of the extension.

Conclusion

57. Whilst I have found the extension will not be harmful to the living conditions of existing and future occupiers with regard to private outdoor space, I have found harm arises to the character and appearance of the area. That is the prevailing consideration and therefore, I find the development conflicts with the development plan taken as a whole. For the reasons given above, I conclude that the appeal on ground (a) should not succeed and planning permission on the application deemed to have been made under S177(5) of the Act be refused.

Appeal on ground (f)

58. An appeal on ground (f) is made on the basis 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 those matters or, as the case

may be, to remedy any injury to amenity which has been caused by any such breach.

59. S173(4) of the Act sets out that the purpose of an enforcement notice is to either (a) remedy the breach of planning control; or (b) remedy any injury to amenity which has been caused by the breach.

60. The notice does not specify which of the two purposes it seeks to achieve. As corrected and varied, it alleges the erection of a rear extension and requires the demolition of the rear extension. On that basis, I consider the purpose of the notice is to remedy the breach of planning control.

61. The appellant argues that it is excessive to require the demolition of the extension as they intend to glaze the opening and use it as a conservatory, implementing a planning permission granted by the GPDO as permitted development under Class A. However, Article 3(5) of the GPDO makes clear that the permission granted by Article 3(1) does not apply if the building operations are unlawful. That is the case here. Thus, permission granted by the GPDO cannot be obtained retrospectively for the extension.

62. The appellant also argues that, rather than complete demolition, the notice should require the size of the extension to be reduced so it falls within the parameters of Class A of Part 1, Schedule 2 of the GPDO. Whilst permission under the GPDO cannot be granted retrospectively, such a variation could be an obvious alternative than complete demolition that could be achieved with less cost and disruption.

63. However, the appellant has not put forward any plans or details of how, or indeed whether, the extension could be reduced in size to accord with the parameters of Class A. As such, it would not be possible to frame the requirements with sufficient precision such that the appellant knows what they have to do to comply with the notice.

64. Consequently, there are no lesser steps than demolition of the extension that would remedy the breach.

65. The appeal on ground (f) therefore fails.

Conclusion

66. For the reasons given above, I conclude that the appeal should succeed on ground (b) insofar as it relates to the alleged material change of use. The enforcement notice will be corrected to delete that part of the breach and varied to delete the corresponding requirements in 5.1, 5.2 and 5.3.

67. Otherwise, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and variations and refuse to grant planning permission on the application deemed to have been made under S177(5) of the 1990 Act as amended.

Formal Decision

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

- The deletion of the words, "the material change of use of the outbuilding, with associated facilitating works and its use as a self-

contained dwelling ("the Unauthorised Material Change of Use"), and" from section 3 of the enforcement notice.

69. And varied by:

- The deletion of sections 5.1, 5.2 and 5.3 of the enforcement notice;
- The deletion of the word "additional" from section 5.4 of the enforcement notice.

70. Subject to the correction and variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under S177(5) of the 1990 Act as amended.

J Whitfield

INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 22 October 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/J03050/D/24/3346883
8 Sheffield Road, Slough SL1 3EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr M Morshed against the decision of Slough Borough Council.
- The application Ref is P/11124/003.
- The development proposed is double side, first floor rear extension and hip to gable loft conversion with rear dormer.

Decision

1. The appeal is allowed and planning permission is granted for double side, first floor rear extension and hip to gable loft conversion with rear dormer at 8 Sheffield Road, Slough SL1 3EE in accordance with the terms of the application, Ref: P/11124/003, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

   3) The development hereby permitted shall be carried out in accordance with the following approved plans: 08/She/01; 08/She/02; 08/She/03; 08/She/04; Block Plan; Site Plan.

   4) The extensions hereby permitted shall be used only in conjunction with the existing house and shall not be sub-divided or used in multiple occupation.

Preliminary Matters

2. The Council has granted a lawful development certificate for a proposed loft conversion with hip to gable and rear dormer in May 2023, under its Ref: P/1124/001.

3. The Council's decision letter refers to Plan 08/She/05 but I understand that this was added in error; I have been provided with no such plan.

(SPD). However, for the reasons set out above and in the particular circumstances of this case, including the granting of a lawful certificate for a hip to gable roof extension with rear dormer, I am satisfied that there would be justification for an exception to be made to these parts of the SPD.

Living Conditions

12. There is no technical evidence before me in respect of the impact of the proposals on light to neighbouring windows. However, given the siting and spacing of the proposed extensions, and in particular the proposed first floor rear extension, in relation to the neighbouring properties and their windows, I am satisfied that the outlook from these neighbouring windows, including in respect of light and daylight would not be materially affected.

13. There is some overlooking of rear gardens from rear facing windows in residential areas such as the appeal site, but I do not consider that the additional rear facing windows proposed would materially exacerbate this situation.

14. I am therefore satisfied that the proposed extensions would not materially impact the living conditions of the neighbours on either side of the appeal property, with particular regard to overlooking and loss of privacy as well as outlook and daylight and sunlight. There would be no conflict with Policies EN1 and EN2 of the Local Plan and the SPD as well as paragraph 135 f) of the Framework, all of which, amongst other matters, seek a high standard of amenity for existing and future occupants.

Other Considerations

15. The appellant has drawn my attention to other examples of extensions which have been permitted in the Borough, but my decision is based on the planning merits of the scheme before me.

Conditions

16. In terms of conditions, the materials should match the existing to respect the character and appearance of the existing property and of the local area, and the approved plans should be listed for the avoidance of doubt and in the interests of good planning. The Council has also requested a condition to be imposed to ensure that the accommodation is used in conjunction with the existing house and shall not be sub-divided or used in multiple occupation to accord with the provisions of the development plan.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR

beyond what is necessary to remedy the breach of planning control. I will vary the notice to delete the requirement accordingly.

67. Otherwise, the appeal on ground (f) fails.

Appeal A on ground (g)

68. An appeal on ground (g) is brought on the basis that the time period specified in the notice for compliance is too short

69. The notice gives a compliance period of three months. The appellant argues that six months would be appropriate to allow time to arrange the works. However, whilst I acknowledge the difficult family circumstances the appellant has faced in recent years, there is nothing before me to suggest that the demolition of the building could not be undertaken within a three-month period. It seems to me to be an appropriate period to carry out such works.

70. The appeal on ground (g) therefore fails.

FORMAL DECISIONS

Appeal A

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

    - the deletion of the words, "and material change of use of the site from Mixed Use (Class C3 single family dwelling house and storage and sale of used cars) ("Unauthorised Use") to a sui generis uses consisting of Class C3, storage and sale of used cars and commercial spraying ("Unauthorised Development")" from section 3 of the notice.

72. And varied by:

    - the deletion of the words, "Cease the commercial use of the property for the spraying of motor vehicles", from section 5.1 of the notice;
    - the deletion of the words, "Remove all items in connection with the spraying of motor vehicles", from section 5.2 of the notice;
    - the deletion of the words, "as outlined in blue on the attached Plan" from section 5.3 of the notice; and,
    - The deletion of the words, "Erect a 1.8m high closed boarded fence or imperforate wall between no. 44 and no's 46 and 48" from section 5.4 of the notice.

73. Subject to the correction and variations, 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.

Appeal B

74. The appeal is dismissed.

J Whitfield

INSPECTOR