

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL RELATING TO  
MANOR FARM AND LAND NORTH OF WRAYSBURY RESERVOIR , POYLE  
ROAD, SLOUGH, SL3 0AA**

**APPEAL BY MANOR FARM PROPCO LIMITED AGAINST NON-  
DETERMINATION FOR 'DEMOLITION OF EXISTING BUILDINGS AND  
REDEVELOPMENT TO COMPRISE A DATA CENTRE (USE CLASS B8) AND  
BATTERY ENERGY STORAGE SYSTEM (BESS) WITH ANCILLARY  
SUBSTATION, OFFICES, ASSOCIATED PLANT, EMERGENCY BACKUP  
GENERATORS AND ASSOCIATED FUEL STORAGE, LANDSCAPING,  
SUSTAINABLE DRAINAGE SYSTEMS, CAR AND CYCLE PARKING, AND NEW  
AND AMENDED VEHICULAR AND EMERGENCY ACCESS FROM POYLE ROAD  
AND OTHER ASSOCIATED WORKS.'**

**Statement of Evidence**

**Planning History**

**Daniel Ray**

**LOCAL PLANNING AUTHORITY REF: P/10076/013**

**PLANNING INSPECTORATE REFERENCE: APP/J0350/W/25/3366043**

## **Contents**

- 1.0 Introduction**
- 2.0 Enforcement Notices**
- 3.0 Certificates of Lawful Development**
- 4.0 Planning Permission – Granted Consent by way of Appeal  
on 21st September 2009**

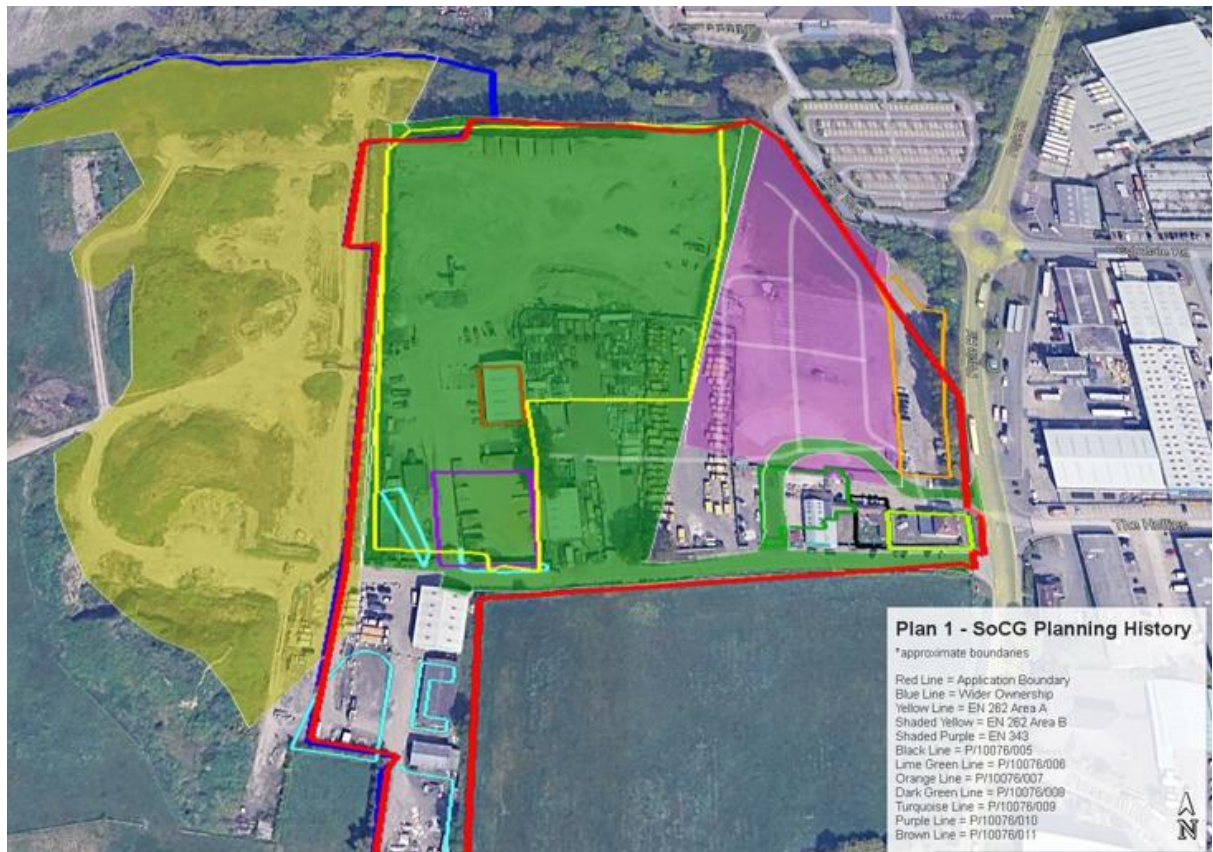
## **Appendices**

<b>Appendix 1</b>	Plan 1
<b>Appendix 2</b>	2009 Appeal Decision this is cd 10 B2 no need
<b>Appendix 3</b>	Certificates of Lawfulness
<b>Appendix 4</b>	Enforcement Notices these are in CD10 F1 F2 and F3 but need to add appeal decision of EN262 that was no in statement of case.
<b>Appendix 5</b>	P/10076/012 – Officer Report
<b>Appendix 5</b>	T/APP/J0350/C/03/1115252 – Decision
<b>Appendix 6</b>	Pre Action Protocol Letter
<b>Appendix 7</b>	Schedules of /1115252 (appended at end of this Proof)

## **1. Introduction**

- 1.1. My name is Daniel Ray, I hold an MSc in Spatial Planning and a BA (hons) in Archaeology and Landscape History. I have worked in various Planning roles since 2006 and I have been employed by Slough Borough Council since April 2020. I have been the Council's Chief Planning Officer and Director of Planning Services since April 2023. I led the Simplified Planning Zone work on behalf of the Local Planning Authority and am the lead officer in relation to Heathrow from a Planning perspective.
- 1.2. The evidence I have prepared and provide for this Inquiry (PINS Reference APP/ J0350/W/25/3366043) is true and I confirm that the opinions expressed are my true and professional opinions.
- 1.3. This statement of Evidence relates to the subject of relevant Planning History on and adjacent to the Appeal site. It was hoped that there would be finalised Statement of Common ground on this but this is not yet signed so I put in this evidence so the Inspector has the material that he will need. We are still working on the Statement of Common Ground and it is anticipated that this evidence will be accepted as correct by the appellant.
- 1.4. Plan 1 is critical to this evidence and shows these critical parts of the planning history in plan form.

## PLAN 1



The two most critical parts of this are the shaded Green and shaded purple parts which both have to be restored to agriculture. First the Green part is the area covered by the planning appeal of 2009. Condition 29 requires the site to be reinstated to agriculture. The shaded purple area is covered by an extant enforcement notice that requires that area to be restored to agricultural use by reseeded.

## **2. Enforcement Notices**

### Enforcement Notice 262

- 2.1. Enforcement Notice 262 [This is at CD10 F2 however you will need to put in as appendices the Inspector's decision] is subsisting on the land identified on Plan 1 (Appendix 1) (highlighted in Yellow and outlined in yellow) and covers 2 parcels of land. The Enforcement Notice and its requirements remain on the land in perpetuity until superseded by decisions made pursuant to the Town and Country Planning Act (1990) (as amended) including planning applications or until such a time the Notice is revoked.
- 2.2. The steps required to comply with the Enforcement Notice are identified within the Inspector's decision Notice T/APP/J0350/C/99/1029704-5 in Schedules 1 and 2, and that specified different requirements in relation to Areas A and B as set out within that decision. These are plotted on Plan 1 within Appendix 1.
- 2.3. The 2009 Appeal Decision (CD 10 B2) (shaded green on Plan 1) overrides the requirements of the Enforcement Notice in relation to all areas within the application bounds (namely the area known as Area A within the notice), as identified in the Location Plan associated with the Appeal Decision. That is shown shaded green on Plan 1.
- 2.4. The requirements associated with Area B as identified within the Enforcement Notice, need to be complied with and those requirements are set out within the terms of the enforcement notice as varied by the Inspector at Appendix .

- 2.5. While there are many requirements of the Notice which cover the whole of the site; fundamentally the effect of the requirements as set out in Schedule 1 and 2 require the land to be restored to agriculture in relation to Area B. The schedules are Appendix 7 which are at the rear of this Statement of Evidence.
- 2.6. The Notice, which was served in August 1999, was appealed and the notice was dismissed in May 2000. The appellant at the time challenged the decision in the High Court but subsequently withdrew their appeal in April 2001. Following the withdrawal of this challenge, the revised timetable for complying with the enforcement notice required the land to be cleared by the middle of January 2003.
- 2.7. As a result of non-compliance with this Notice and a further one, a pre-action protocol letter (Appendix 7) was sent dated the 28<sup>th</sup> January 2008 which set out that as a result of non-compliance with the Notice, as well as noting conflict with a Section 59 Notice served by the Environment Agency, the Council may proceed to serving prosecution papers should the two extant Enforcement Notices be complied with.
- 2.8. It is noted that at the time of this letter two Enforcement Notices remain uncompiled with, the second being EN 343 which is discussed below.

#### Enforcement Notice 378

- 2.9. Enforcement Notice 378 relates to land within the northern parcel of the appeal site, however the requirements to cease the use of the land as a caravan and mobile home park have been complied with. This notice came into effect on the 24/12/2004.

#### Enforcement Notice 343

2.10. Enforcement Notice, dated 06/08/2003 is subsisting on the land, there have been no planning consents related to this parcel of land having taken place since the serving of the notice and that the requirements of the notice (as amended by the Planning Inspector) are as follows:

- a) Remove from the Land all caravans and/or mobile homes and*
- b) remove from the land all bunding and other structures including fencing and the facility building.*
- c) remove from the land hatched black all hard surfacing*
- d) Restore the land hatched black to agricultural use by reseedling.*

*Time for compliance:*

- a) Seven months*
- b) Eleven months*
- c) Eleven months*
- d) By the end of the first planting season following the completion of requirement c).*

2.11. The time for compliance has expired and the requirements as per criterion b), c) and d) have not been complied with in full. An Enforcement Notice and its requirements remain extant and run with the land in perpetuity unless they are superseded by decisions made pursuant to the Town and Country Planning Act (1990) (as amended) including planning applications or until such a time the Notice is withdrawn. No consents supersede the Enforcement Notice and the Notice has not been withdrawn.

2.12. It is noted that as per para 2.7, a pre-action protocol letter was issued which related to two Enforcement Notices subsisting on the Manor Farm site, EN 343 is the second Notice where compliance or potential prosecution was being pursued by the Council.





### 3. Certificates of Lawful Development

- 3.1. There are seven Certificates of Lawfulness identified of relevance which relate to the appeal site. All Plans and decision notices are appended to this Statement of Case as well as being plotted on Plan 1 (Appendix 1)
- 3.2. P/11442/005      Certificate of lawfulness of existing use of land and single storey semi-detached building as a single, three bedroomed dwelling house with ancillary parking provision for up to three cars and amenity space      Granted on 27th July 2009
- 3.3. This certificate relates to a residential use adjacent to the access off Poyle Road. On a visit to the site on the 15<sup>th</sup> July, the business owners of “Sparks Welding” (who had had a business on the appeal site for 7 years who had been served with a notice to vacate the site by the 18<sup>th</sup> July 2025) confirmed that the occupant(s) of the dwelling house have been evicted and the building now vacant. The extent of the certificate is shown by a black line on Plan 1.
- 3.4. P/11442/006      Certificate of Lawfulness for existing use of land and two storey detached building therein, comprising 6no. single and 1 no double self catering bed sitting rooms, communal W/Cs, bath and shower rooms, laundry and ancillary space as a house in multiple occupation (HMO) with ancillary front and rear amenity space (Sui-Generis)      Granted on 27/07/2009
- 3.5. This certificates relates to a building and small parcel of land for use as an HMO adjacent to the entrance of the site off Poyle Road. The occupants of the HMO have been evicted and the building vacant as confirmed by the

owners of “Sparks Welding” on the site on the 15<sup>th</sup> July 2025. The extent of this certificate is shown on Plan 1 with a lime green line.

3.6. P/10076/007      *Certificate of lawfulness of existing use and development for the retention of land as a car park (Sui-Generis) for commercial purposes and the retention of associated hardstanding.    Granted 27/07/2009*

3.7. This certificate relates to a small area of land on the eastern boundary of the site, immediately north of the main and secondary accesses to the site. It allows for hard standing and car parking associated with commercial purposes, however there were no active commercial purposes taking place on the site in relation to this area and no vehicles parked at the time of any recent site visits. This is shown with an orange line on Plan 1.



- 3.8. P/11442/008 *Certificate of lawfulness of existing use and operation development of land for the retention of a ground floor warehouse distribution unit with ancillary offices, showers, W/C kitchen facilities (B8), totalling 205sqm. With its respective access, parking provision and turning area amounting to 693sqm when measured external; retention of a separate ground and first floor office unit, with ancillary kitchen, W/X provision (B1(a) externally measuring 153 sqm and annex ancillary land of 180sqm for vehicle parking and turning area; retention of the following operations development comprising rebuilding works to form a semi-detached one and a half storey building with partially corrugated walling and corrugated gabled roof, alterations to the western flank elevation and the formation associated hardstanding*      *Granted 21/08/2009*
- 3.9. The structures and hardstanding granted by way of Certificate are still present on the site and relates to an area immediately adjacent to, and abut the residential unit the subject of the lawful development certificate P/10076/005. The use of the land and structures the subject of this certificate have ceased and is now vacant and with no activities taking place. This area is shown with a dark green line on Plan 1.





3.10. P/10076/009 *Certificate of lawfulness for the retention of an existing use on open land comprising the importation, open storage, delivery and distribution of non-perishable, salvaged and, or reclaimed materials arising from works undertaken as part of a demolition contractor's business (use class b8). During the hours between 0700 to 1800hrs Mondays to Fridays and between 0700 to 1300hrs Saturdays. With the exception of all hours outside those above mentioned, including Sundays, bank, public and national holidays when no activity is present. Granted 04/05/2010*

3.11. This certificate relates to 5 parcels of land (as identified on the plan issued with the Certificate) and included on Plan 1 (turquoise lines) and related to the uses subsisting on open land at that time. It does not include any buildings nor hardstanding but instead relates to informal storage of materials on the land in relation to a B8 use, the business is described as

only operating within certain hours. Since that was granted in 2010, multiple changes of use have occurred since the issuance of this certificate. As a result the certificate use is no longer lawful. [CHECK] The uses that were on the Green shaded area were part of the 2009 permission and so subject to the conditions on that. [CHECK]

- 3.12. The largest parcel and surroundings were being used for airport parking of which there are no planning consents for. A gentleman who gave his name as “Adil” on the site visit of the 15<sup>th</sup> July 2025 and advised he worked for Terminal Parking stated that Maple Parking and Terminal Parking had been parking cars on the site however Terminal Parking had been given notice to vacate by the 10<sup>th</sup> August 2025 which was an extension to an earlier date.





- 3.13. P/10076/011      *Certificate of lawfulness for The retention of an existing use on open land comprising the importation, open storage and delivery and distribution of primary aggregates at a height no greater than 5 metres at any one time (a sui-generis use). During the hours between 0700 to 1800hrs Mondays to Fridays and between 0700 to 1300hrs Saturdays. With the exception of all hours outside those above mentioned, including Sundays, bank, public and national holidays when no activity is present.*

*The retention of existing development of an operational nature, comprising a perimeter wall and 3 no. Partition walls along western flank, railway sleeper construction supported by rolled steel joist stanchions on concrete base; laying out and construction of 3 no. Partition walls along eastern flank of large boulder construction.      Granted 04/05/2010*

- 3.14. The activities described within the certificate relate to activities that were granted by way of planning consent in 2009 in relation to the “appeal decision” of the Planning Inspectorate and the conditions associated with that application apply to this parcel of land. The relevant area is that edged brown on Plan 1. It is wholly within the area of the 2009 planning consent. The activities have ceased. This area is now covered by the requirements in condition 29 set out below and should be reinstated to agriculture.



3.15. P/10076/012      *Application for certificate of lawful development to confirm if the use of the building is class b2 (general industry)*      *Granted*  
26/10/2010

3.16. As per the attached Officer report (Appendix 5), the building was granted a Certificate of Lawfulness on the basis that consent had been granted by way of appeal in 2009 for the building to be used in association with that consent for B2 use.

3.17. The conditions associated with the 2009 appeal decision apply to this building.

3.18. The building the subject of the Certificate has been used for the maintenance and repair of vehicles associated with the Farnham Van and



Truck Hire (FVTH) who, when visiting the site on the 15<sup>th</sup> July 2025, advised me that they had been required to vacate some of the site (weighbridge office) already, but were required to vacate the remaining area by the 20<sup>th</sup> October 2025 after 3 and a half/4 years on the site.



**4. Planning Permission – Granted Consent by way of Appeal on 21st September 2009**

- 4.1. With regard to the Planning Consent granted by way of Appeal in 2009, it is agreed that the description of development is as follows:

*The appeal development is the use of land for concrete crushing and screening, and inert waste recycling (B2 use), including: the retention and remodelling of existing stockpiles (limited by height and volume); the creation of a new access; the provision of new vehicle and lorry parking, and wheel washing facilities; a new plant workshop; a lorry workshop; the retention of an existing fuel store and the provision of a new fuel store; a weighbridge and office accommodation; an aggregates yard; the provision of a toilet block, a restroom and a canteen; and boundary treatment.*

- 4.2. The application the subject of the 2009 appeal decision [at CD10 B2] followed the issuance of a Pre-action Protocol letter from Slough Borough Council which set out the Council's intention to prosecute the owner due to non-compliance two Enforcement Notices (EN262 and EN343)
- 4.3. The use of the land the subject of this decision has ceased. No concrete crushing and inert waste recycling (B2) is taking place on the site. This use ceased on, or before the current owner completed its purchase of the site which is corroborated by employees of FVTH who advised myself on the 15<sup>th</sup> July 2025 that they had been on the site for 3.5 to 4 years including inhabiting the main building within "Parcel A".
- 4.4. No written notification of the date of cessation of the permitted use on the site" has been submitted to the Council by the previous owner nor the

current owner of the site. This was required by Condition 28 of the Planning consent granted by appeal in 2009.[see CD 10 B2]

- 4.5. Condition 29 states “Within 6 months of the permitted use ceasing, the buildings and structures on the site shall be removed and the site reinstated to agriculture in accordance with a scheme submitted to, and approved in writing by, the local planning authority. The submitted scheme shall include maintenance arrangements, and the site shall thereafter be maintained in accordance with the scheme for a period of five years.”.
- 4.6. No scheme was submitted to the Local Planning Authority in relation to the reinstatement of the land to agriculture.
- 4.7. The majority of the site associated with the 2009 consent has been used for a mix of uses which do not benefit from Planning permission (airport parking and the storage of vans and trucks associated with FVTH and their ancillary maintenance functions within the large building in the centre of the site.
- 4.8. With respect to the area identified on Plan 1 in (shaded green) is the land subject to the consent granted by way of appeal in 2009 This should, in accordance with Condition 29 of the appeal decision be returned to agricultural land as the use of the land relating to that consent has ceased.
- 4.9. Condition 29 of the 2009 planning consent had the same effect of the requirements of Enforcement Notice EN262 insofar as upon the cessation of the use granted (which is agreed has now ceased) the land would be returned to agriculture.







