
Appeal Decision

Site visit made on 30 January 2018

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 February 2018

Appeal Ref: APP/C3430/C/17/3181989

Lodge Farm, Lodge Lane, Chesleyn Hay, Cannock, South Staffordshire, WS11 0LT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Nicholas Pionides against an enforcement notice issued by South Staffordshire Council.
 - The enforcement notice, numbered 16/00498/BOC, was issued on 18 July 2017.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land for the siting of a portable building and shipping containers.
 - The requirements of the notice are 1. Remove the portable building from the land outlined in red on the attached plan. 2. Remove the shipping containers from the land outlined in red on the attached plan. 3. Remove any waste generated from the removal of the portable building and shipping containers from the land and dispose of in the correct manner.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (c) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

2. The appeal site lies to the north of Lodge Lane and is formed by a cluster of farm buildings and garages that have all been converted into dwellings. Adjacent to these is an area of rough ground with a large, new looking barn, and older metal barn and an area of hardstanding with a mobile home and a shipping container. The notice was directed against the mobile home and two containers, but as I saw on site one has recently been removed.
3. The conversion work for the dwellings was granted in two separate planning permissions in 2014 and 2015 and the mobile home and shipping containers were moved onto the land to provide shelter and office accommodation for the workforce and secure storage for the equipment and tools needed for the building works. This was permitted development by virtue of Class A of Part 4 of Schedule 2 of the General Permitted Development (England) Order 2015, which allows buildings and movable structures to be placed on the land temporarily in connection with operations which have received planning

permission. Such buildings and structures must be removed once the operations have been carried out.

4. Building regulations for the dwellings were signed off on 10 August 2016 and the Council considered the works to be completed by 16 November. They wrote to the appellant asking him to remove the structures by January 2017. He argued there were still landscaping works required by condition as well as snagging to be undertaken and asked for a 6 week reprieve. The Council agreed a 31 March 2017 deadline, which was missed. The appellant applied for a 12 month temporary planning permission but the notice was issued while the application was being validated. It has since been refused.

The Appeal on Ground (c)

5. This ground is that the structures the subject of the allegation have planning permission by virtue of the GPDO. The appellant argues the landscaping condition requires those works to be completed within 12 months of the completion of the works to the dwellings. There is also ongoing maintenance work to be carried out and the snagging works to the dwellings.
6. However, as I saw on site the dwellings were all now completed and seemed to be occupied. The landscaping associated with the dwellings also seemed to be complete, albeit the road from the dwellings complex to the barn area was fenced off with temporary metal fencing, but no evidence of exactly what needs still to be done in association with the two planning permissions has been provided. The appellant pointed out the scrub land around the barns needed maintenance, but that would not seem to be part of the planning permissions. It seems clear to me the operations have been carried out and therefore the structures should be removed. Technically the retention of the structures is in breach of the condition at A.2(a), but the end result of issuing the notice against a breach of condition or as the Council have done, is the same, the structures should be removed from the land.
7. I find the operations authorised by the two planning permissions are now complete and the structures no longer benefit from the planning permission granted by the GPDO so the appeal on ground (c) fails.

The Appeal on Ground (a)

8. The site lies in the green belt. The appellant argues that because temporary structures are not mentioned in green belt policy they must be not inappropriate. However, the NPPF is quite clear that the list of other forms of development that are not inappropriate development is a closed list. As temporary structures are not included in that list they must be considered inappropriate development. Such development is by definition harmful and should only be allowed in very special circumstances.
9. Although set close to the much larger barn the structures still occupy otherwise open land and so cause some harm to the openness of the green belt. The appellant only wants to retain them for 12 months so that harm is reduced by their temporary nature, but nevertheless there is harm to openness and by way of inappropriateness.
10. The very special circumstances suggested by the appellant are the requirements of workers for shelter during the on-going maintenance of the grounds and for secure storage of the necessary equipment. I consider the

maintenance of the grounds does not require three (or even two) structures. I saw on my site visit that two workers were carrying out some landscape maintenance but they were not associated with the appeal structures and had arrived in their own van. Similarly another worker was repairing the electric gates and he too had arrived in his own van. This would, in my experience, be usual for the relatively modest landscape maintenance works required at the site.

11. It also seems to me the appellant could use either of the large barns that are on site for secure storage, and wet weather shelter for any workers on the site. At least no evidence has been provided why they could not be used. It is not clear why the structures are only required for 12 months. Given my conclusions on the ground (c) appeal I do not consider there is a need for the structures in connection with the implementation of the two planning permissions. Any need for the structures would seem to be on-going and it is far from clear exactly why they are needed. None of these reasons seems to me to outweigh the harm caused and so cannot amount the very special circumstances required for even a temporary permission.

12. I shall dismiss the appeal and uphold the notice.

Simon Hand

Inspector