



Appeal Decision

Site visit made on 15 June 2021

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Appeal Ref: APP/P0240/C/20/3258414

Land behind 84 High Street, Blunham MK44 3NW

- 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 Mark Grinstead against an enforcement notice issued by Central Bedfordshire Council.
- The enforcement notice, numbered CB/EN/19/0223, was issued on 28 July 2020.
- The breach of planning control as alleged in the notice is, without planning permission, the stationing of a shipping container on the land.
- The requirement of the notice is to remove the shipping container from the land.
- The period for compliance with the requirement is 2 months from the date when the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended (the Act). 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 is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

The appeal on ground (a)

Main Issue

1. The main issue is the effect of the shipping container on the character and appearance of the area.

Reasons

2. The container is in a small field to the east of Blunham and within an area of open space separating the village and the River Ivel. A small area of woodland forms a backdrop to the container. The field and nearby land are used for hay production and the container is used to store the crop, along with tools and equipment used to maintain the land.
3. The container is an inappropriate feature in this rural setting by reason of its form and colour, which detract from the character and appearance of the open space between the village and the river. This is most apparent in views from the nearby public footpath leading through fields from the village to the river.
4. However, the appellant suggests that significant improvements could be made by cladding the container in timber weatherboarding, stained dark brown, and by planting native hedging, both secured by the imposition of conditions.

5. While the container detracts from the rural character of the open space, it makes only a minor incursion and is seen against a backdrop of adjacent trees. The proposed cladding would soften its appearance and reduce its visual impact in the short term. Carefully planned and implemented planting would, once established, screen the container and allow it to respect local context by blending into the background, thus significantly reducing its impact. Successfully treated in this way, the development would be appropriate in scale and design to its setting. It would thus accord with policies CS14 and DM3 of the Central Bedfordshire Core Strategy and Development Management Policies Development Plan Document 2009 (the DPD) and be acceptable.

Other matters

6. The Council has referred to the effect of the container on the amenity of neighbouring residential properties, but this is not explained. The container stands in a field that produces a hay crop and is used to store that crop and equipment for the upkeep of the field. No material change of use has been alleged. I saw that nearby dwellings have long back gardens and are screened from the container by trees. The amenity of surrounding properties is therefore respected, as required by policy DM3 of the DPD.

Conditions

7. Condition 1) is imposed to ensure that details of the timber weatherboarding and its staining are submitted, approved, and implemented. Condition 2) is imposed to ensure that details of native hedge planting are submitted, approved, and implemented. Both conditions are imposed to make the development acceptable in planning terms.
8. There is a strict timetable for compliance with both conditions because permission is being granted retrospectively, and it is not possible to use negatively-worded conditions to secure the approval and implementation of the timber weatherboarding and its staining or the native hedge planting before the development takes place. The conditions will ensure that the development can be enforced against if the requirements are not met.

Conclusions

9. For the reasons given above, I conclude that the development would accord with the development plan and the appeal therefore succeeds on ground (a). I shall grant planning permission for the development as described in the notice.
10. In these circumstances, the appeal on ground (f) does not fall to be considered.

Formal Decision

11. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the stationing of a shipping container on land behind 84 High Street, Blunham MK44 3NW as shown on the plan attached to the notice and subject to the following conditions:
 - 1) Unless within 3 months of the date of this decision a scheme for the attachment of timber weatherboarding to the shipping container and the

staining of that timber weatherboarding is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the shipping container shall be removed from the land. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the shipping container shall be removed from the land. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) Unless within 3 months of the date of this decision a scheme for planting a native hedge along the length of the shipping container is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 6 months of the local planning authority's approval, the shipping container shall be removed from the land. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the shipping container shall be removed from the land. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Mark Harbottle

INSPECTOR