
Appeal Decision

Site visit made on 13 January 2022

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 31 January 2022

Appeal Ref: APP/E2340/C/21/3279800

Land at Barnwood Road, Earby, Barnoldswick, Lancashire BB18 6LQ

- 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 Ralph Guy against an enforcement notice issued by Pendle Borough Council.
- The enforcement notice was issued on 22 June 2021.
- The breach of planning control as alleged in the notice is the material change of use of the land from domestic garages to the siting of containers used for storage and domestic garages.
- The requirements of the notice are:
 - i. Cease using the land for the siting of containers.
 - ii. Remove all of the containers sited on the land.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld with a variation.

Preliminary Matter

1. The reasons for issuing the enforcement notice include harm to the character and appearance of the Earby Conservation Area. However, the Council now accepts that there is no impact on the Conservation Area and therefore no conflict with Policy ENV1 of the Local Plan for Pendle Core Strategy 2011-2030 Adopted 17 December 2015 (the CS).

The appeal on ground (a)

2. The ground of appeal is that planning permission should be granted. The main issue is the effect on the character and appearance of the area.
3. The appeal site is a parcel of land off Barnwood Road which has a long-established use for the siting of garages which have been used by local residents. The garages have been constructed over a period of many years and incorporate different materials and designs, including timber with pitched metal roofs. It is my understanding that some of the garages had fallen into disrepair and three of them have been demolished and replaced with painted metal storage containers. Other demolished garages have not been replaced, but the land on which they were located is used for storing vehicles and a caravan, for example.
4. The site is part of a larger garage site which includes a number of other structures, including garages constructed of asbestos and pebble dashed

walling, which are situated on a triangular plot of land between the appeal site and Barnwood Road. It is situated on the edge of a residential area comprising a mix of residential properties including semi-detached houses, terraced houses and chalet bungalows of various designs and materials. There are open fields to the south and the site is within the designated open countryside.

5. The appellant contends that replacing a prefabricated garage structure with a storage container has very minimal impact on the character and appearance of the area and the containers in question are not dissimilar to garages in terms of their size and proportions. It is also argued that the appeal site is obscured from Barnwood Road by other garages to the north.
6. Policy ENV2 of the CS seeks to deliver the highest possible standards of design and design should reflect the history and development of the site and should be attractive to look at. The appeal site is highly prominent from an adjacent public right of way and, although the containers are of a similar size to the remaining garages, they are at odds with those that remain. The garages are characteristic of domestic garages in terms of their overall appearance whereas the steel containers incorporate a different material and have a far more industrial or commercial appearance. This is in great contrast with the otherwise residential surroundings and the open countryside.
7. I understand that the site has a history of being used for garages and domestic storage purposes, but in this location adjacent to a residential area and within the open countryside, the unauthorised containers are at odds with their immediate surroundings and represent unattractive poor design which is unsympathetic to the local area. Therefore, I find that the development is harmful to the character and appearance of the area and contrary to Policy ENV2 of the CS and the National Planning Policy Framework which, among other objectives, seek to protect and enhance the character of the Borough and achieve high standards of quality and design.

The appeal on ground (g)

8. The ground of appeal is that the time given to comply with the requirements is too short. The three months given would be sufficient to cease using the land for the siting of containers and remove all of the containers sited on the land. The 12 month compliance period suggested by the appellant would be excessive given the ongoing harm caused by the development. However, I consider the period should be increased to enable the appellant, should he wish to do so, to explore with the Council whether replacement garages might be possible. In this respect I consider that six months would strike the appropriate balance and not place a disproportionate burden on the appellant. To this limited extent, the appeal on ground (g) succeeds.

Formal Decision

9. The enforcement notice is varied by the deletion from paragraph 6 of the words "three months" and the substitution therefor of the words "six months" as the time for compliance with the requirements. Subject to this variation the appeal is dismissed, the enforcement notice is upheld and planning permission refused on the application deemed to have been made under section 177(5) of the Act.

A A Phillips INSPECTOR