



Appeal Decisions

Site visit made on 4 March 2025

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Refs: APP/K0235/C/23/3327959 and APP/K0235/C/23/3327960

30 Top End, Renhold, Bedfordshire MK41 0LR

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Clark Comer and Mrs Jennifer Comer against an enforcement notice issued by Bedford Borough Council.
- The notice was issued on 14 July 2023.
- The breach of planning control as alleged in the notice is Without planning permission the erection of a single bay detached car port to front with incorporated bin store.
- The requirements of the notice are to:
 - i) *Demolish the car port and integrated bin store outlined in green on the attached plan*
 - ii) *Remove all resultant waste and materials from (i) from the land*
- The periods for compliance with the requirements are:
 - i) *Three months from the date this notice takes effect*
 - ii) *Six months from the date this notice takes effect*
- The appeals are proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeals have 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 decisions: The appeals are dismissed, and the enforcement notice is upheld subject to the corrections in the terms set out in the Decision below.

Decision

1. It is directed that the enforcement notice is corrected by:
 - The deletion of the description of the alleged breach of planning control at 3. i) and the substitution with the following description:

“Without planning permission the erection of a single bay detached car port and integrated bin store to the front of the property shown on the land and outlined in green on the attached plan.”
 - The deletion of the wording of requirements i) and the substitution with the words:

“i) Demolish the single bay detached car port and integrated bin store to the front of the property shown on the land and outlined in green on the attached plan”
2. Subject to the corrections above, 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 Town and Country Planning Act 1990 as amended (the 1990 Act).

Preliminary Matters

3. There has been a revised National Planning Policy Framework (the Framework) published by the Government since the enforcement notice was issued. However, it does not raise new issues that are determinative for the purposes of my assessment and therefore injustice to the parties does not arise.

Appeal ground (a), the deemed planning application

4. The deemed planning application is for the erection of a single bay detached car port and integrated bin store located to the front of the host property.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site consists of a detached dwellinghouse located on the northern side of Top End in Renhold. The area is characterised by a ribbon of residential development located within a generally open, verdant and semi-rural location. There is variation amongst the properties in Top End in regard to their design, height and materiality. Nevertheless, despite its eclectic nature, there is a distinct rhythm and pattern to the development in this part of Renhold with properties generally set back from the roadside with open gardens and forecourts to the front, providing a traditional arrangement.
7. The car port and integrated bin store occupy a focal position at the front of the site, highly visible from neighbouring properties and public vantage points along Top End, as one approaches the site in either direction. I would acknowledge that the structure has a high quality of design and has sought to incorporate materials found in the locality in an attempt to blend in with its surrounds. Furthermore, the open nature of the car port provides less bulk in respect to its appearance.
8. However, its prominent location means it is viewed in the context of the adjoining properties. Despite the fragmented appearance in design within the surrounding area, the existing properties exhibit a fairly consistent and open appearance at the front along the roadside. Demarcation features such as fences are generally low level and domestic in proportions. In contrast, the car port and integrated bin store provides an uncharacteristically large structure, and due to its combined height, depth and width it appears disproportionate and incongruous within the surrounding area. The structure appears at odds with the existing character that comprises dwellings with more conventional and domestic features at the front.
9. The appellant highlights that the structure could be screened through the provision of landscape planting, however this would not adequately offset the adverse visual harm of the structure on the character and appearance of the area. Whilst it could limit views along the streetscene, the structure would still be seen from the adjoining residential properties. Nevertheless, the absence of public views would not provide a good reason for permitting unacceptable development as it could be repeated elsewhere, thus adding to visual harm.
10. I have been referred to several examples which the appellant considers show inconsistency in decision making by the Council. From the information I have been

provided and from my own observations, it is acknowledged that there are other developments located within the front boundaries closer to the roadside, which include but are not limited to Top End Farm, and Nos 2 and 32a Church End. However, I am not aware of the full circumstances and/or planning history associated with these properties, but it is evident from the limited details presented that they turned on their own particular merits. I therefore give these examples limited weight, as I cannot be certain that these are directly comparable. In any case, these limited examples do not provide an overriding influence over the character of the street scene in my view, and each scheme must be considered on its own merits.

11. Consequently, the car port and integrated bin store would be detrimental to the character of the streetscene and would conflict with the relevant provisions of policies 6, 28, 29 and 30 of the Bedford Local Plan 2030, adopted January 2020, which collectively seek development to be high quality design, respecting context and local distinctiveness and complementing the character of the area in which the development is located, amongst other things.
12. Third parties raised concerns that the structure has been deliberately undertaken without the benefit of planning permission. The appellant erroneously considered the development was 'permitted' under Article 3(1) and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. The appellant has sought to remedy the situation through the submission of a retrospective planning application¹, although this has been refused by the Council. Having regard to the fact that the enforcement procedure is intended to be remedial rather than punitive², I am satisfied that the appellant has explored alternative avenues to rectify the unlawful development and has not wilfully breach planning control. Nevertheless, this does not alter my findings in respect to the acceptability of the development.
13. For the reasons set out above, the development which is the subject of the corrected notice causes unacceptable harm to the character and appearance of the surrounding area, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Consequently, the ground (a) appeals do not succeed.

Appeal on ground (f)

14. An appeal on ground (f) is made on the basis that the requirements of the notice exceed what is necessary. S173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve. They are either (a) remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.
15. The notice requires the car port and integrated bin store to be removed. This is as opposed to requiring these structures to be modified by, for example, reducing them in size. Removing the car port and integrated bin store would restore the land to its condition before the breach took place. Therefore, the purpose of the notice must be to remedy the breach.

¹ Bedford Borough Council Planning Ref: 22/02550/S73A

² Tapeacrown Ltd v FSS & the Vale of White Horse DC [2006] EWCA Civ 1744

16. The appellant refers to a comprehensive landscaping scheme that could mitigate the impacts of the car port and integrated bin store, which could be secured through a unilateral undertaking were the scheme to be approved. However, I have not been presented with the required planning obligation, thus there is no mechanism to secure any landscaping scheme. Nevertheless, even if this had been supplied the car port and integrated bin store would remain in situ, and the breach of planning control would not be remedied. This would not achieve the purpose of the notice as the property would not be restored to its condition before the breach took place. As a result, the lesser steps proposed by the appellant are not an obvious alternative to the notice requirements.
17. Therefore, the steps set out in the notice are not excessive; they are proportionate and commensurate to the breach of planning control, being the minimum that is required to restore the property to its condition prior to the breach taking place. Consequently, the ground (f) appeals fail.

Appeal on ground (g)

18. For an appeal on ground (g) to succeed, it is to be demonstrated that the period specified in the notice for compliance in accordance with section 173(9) of the 1990 Act falls short of what should reasonably be allowed.
19. The appellant argues that a period of 18 months is the minimum required to undertake the requirements as this would incorporate the additional time taken should this appeal be unsuccessful. However, the compliance period is suspended during the course of the appeal process and resumes if the appeal is dismissed and the notice upheld, as is the case here.
20. The car port and integrated bin store consist of a timber framed and timber clad structure with shingle tiles. The works required by the corrected notice would be within the capabilities of a competent person within the building trade and could be undertaken within 6 months of the date of this decision.
21. With respect to the appeal under ground (a) I have determined that the structure is harmful, and it is necessary to ensure the development is removed in order to overcome that harm. As such, a 6 month period would achieve a reasonable and proportionate balance between securing compliance and the appellant's ability to carry out the work.
22. Therefore, the appeals on ground (g) also fail.

Overall conclusion

23. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under S177(5) of the 1990 Act (as amended).

Robert Naylor

INSPECTOR