



Appeal Decision

No site visit made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/D0650/C/24/3347161

10 Coronet Way, Widnes, Cheshire WA8 8BA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Lee Knowles against an enforcement notice ("EN") issued by Halton Borough Council.
 - The notice was issued on 19 June 2024.
 - The breach of planning control as alleged in the notice is "The material change of use of the land within the curtilage of 10 Coronet Way, Widnes WA8 8BA for the siting of a shipping container. It appears to the Council that unauthorised development has occurred within the past 10 years".
 - The requirement of the notice is: To cease the use of land for the storage of a shipping container.
 - The period for compliance with the requirement is: Two months from the date on which this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected by:
 - *The deletion of the words "section 171(A)(2) of the above Act" and their substitution with the words "section 171A(1) of the above Act" in Section 1.*
 - *The deletion of the words "the siting of a shipping container" and their substitution with the words "the storage of a shipping container" within Section 3.*
2. Subject to these corrections, the appeal is dismissed and the EN is upheld.

Preliminary Matters

3. The appeal is under ground (g) and therefore, the planning merits of the development are not relevant. My decision rests on the facts of the case and the interpretation of any relevant planning law or judicial authority. As such, a site visit was not necessary as it would not help me reach a decision. I advised the main parties of my intention to determine the appeal without a site visit. The Council agreed with this approach, and I have not received any comments from the appellant disagreeing.
4. I acknowledge the comments of third parties however, the appellant has not appealed the EN under ground (a) and therefore, I cannot consider these or any other planning merits of the development.

Matters Concerning the Notice

5. The EN correctly states in the title that the breach of planning control involves a material change of use. However, Section 1 of the EN incorrectly references

paragraph (a) of s171(A)(2) of the 1990 Act. The correct section is paragraph (a) of s171A(1). Notwithstanding this error, the EN clearly alleges the correct type of breach and therefore, the defect can be corrected without causing injustice.

6. There is a discrepancy between what constitutes the breach of planning control within Section 3 of the EN and what the appellant is required to do within Section 5 of the EN. The siting of a shipping container is not a use of land. The evidence before me does not suggest that the shipping container is being used for the storage of domestic paraphernalia therefore, the words "*the siting of a shipping container*" within Section 3 of the EN should be replaced with the words "*the storage of a shipping container*" as stated within Section 5 of the EN.

Appeal on Ground (g)

7. An appeal under ground (g) is that the period specified for compliance with the notice falls short of what should reasonably be allowed. The appellant states that they are currently dealing with some personal issues that means they cannot "*face going to the property*", and that four weeks is too short to organise the steps that are required to remove the shipping container. Therefore, the appellant requests a 12-week period be granted.
8. The Council acknowledge that a specialist heavy goods vehicle would be required for the removal of the container and there would be a lead in time associated with booking it. As such, they consider a compliance period of two months is proportionate and reasonable.
9. The time for compliance refers to the time required to undertake the works needed to remedy the breach. I have no substantive evidence before me to suggest that the appellant would experience problems in hiring the specialist equipment needed to remove the container within the Council's timeframe.
10. I acknowledge the appellant's personal circumstances. However, it is unclear from the information before me how 12 weeks rather than two months would enable the appellant to "*face going to the property*" or why the appellant would need to be present at the property for the shipping container to be removed. Furthermore, over eight months has elapsed since the EN was issued, which substantially exceeds the 12 weeks requested by the appellant.
11. As such, I find that the two-month compliance period afforded by the enforcement notice does not fall short of what is reasonable. Therefore, the appeal on ground (g) should fail.

Overall Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections.

A Berry

INSPECTOR