



Appeal Decisions

Site visit made on 30 October 2024

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal A Ref: APP/T5150/C/23/3314717

Land at Station Terrace, (formerly known as Salvage Timber Yard), London NW10 5RS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Paul Evers against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 6 December 2022.
- The breach of planning control as alleged in the notice is Without planning permission, the installation of metal containers at the premises.
- The requirements of the notice are to:
 - STEP 1
Permanently remove the metal containers
 - STEP 2
Remove all debris, contents of the containers and items arising from compliance with Step 1 of this notice.
 - STEP 3
Remove all materials associated with the unauthorised development from the premises.
- The period for compliance with the requirements is:
6 months.
- The appeal is proceeding on the grounds set out in sections 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). 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 Decision: The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision

Appeal B Ref: APP/T5150/W/23/3323274

Salvage Timber Yard Opposite 1 Station Terrace, Brent, London NW10 5RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Evers against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/0062.
 - The development proposed is Retention of existing ground floor shipping containers for storage by local businesses.
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Formal Decisions

Appeal A

1. 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 1990 Act as amended.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appeal site has a lengthy and somewhat convoluted planning history including previous applications for planning permission, applications for certificates of lawfulness of existing use or development and planning enforcement investigations.

4. The appeal sites comprise the western end of a narrow strip of land that fronts Station Terrace to the south and backs on to the railway line. Within that wider strip of land between road and railway lies the Kensal Rise station and a landscaped area of public realm. Between the landscaped area and the appeal site lies a further area of metal storage containers, mostly at ground floor level but with a small number of containers stacked to double height, a small yard and a workshop building. Whereas those containers to the east front directly on to Station Terrace, the entrance to the appeal sites, and the main body of the sites themselves, lie behind a low metal railing fence and a paved forecourt area. The forecourt area, in turn, leads to an access track between the containers and the boundary fence and outbuildings of properties on Purves Road.
5. The two appeals before me relate to slightly different site extents with slightly different address descriptions, albeit that both ostensibly relate to the same general site just off Station Terrace and relate to development of a broadly similar principle and detail. Thus, appeal A is defined by the extent of the notice's accompanying plan and covers an area where a number of metal storage containers are placed at both ground and upper levels. The notice's extent specifically excludes the entrance to the site from Station Terrace, five containers (one single height container and the remaining containers stacked to a double height) and a set of external steps that lead to a raised deck (on top of the single height container) and which provide access to those upper-level containers.
6. Appeal B covers a slightly wider area, and additionally includes the area of forecourt and five ground level containers at the entrance to the site from Station Terrace that do not fall within the scope of the notice and appeal A. Appeal B seeks planning permission only for the ground level containers. Although the appellant has suggested the Council added some of the upper-level containers to the scope of this application, it is clear that the appellant's case is made on the basis of the retention of ground floor containers as set out on the decision notice. I have determined the appeals accordingly.

Procedural Matters

7. The Council formally adopted, after the service of the notice (appeal A) and the determination of the application for planning permission (appeal B), the Kensal Rise Conservation Area (the CA). As described above, the extent of the two appeal sites as defined on the respective plans differ slightly. Thus, the appeal site in relation to appeal A appears to lie adjacent to, but just beyond, the extent of the CA as it was defined upon adoption whereas the very eastern end of the site in relation to appeal B lies within the CA. To the north of the appeal sites, the CA boundary runs along the rear garden line and railway embankment on the far side of the railway tracks. I have determined the appeals accordingly.
8. Since the service of the notice and the determination of the planning application, revised versions of the National Planning Policy Framework (the Framework) were published in December 2023 and December 2024. I am satisfied that, other than changes to paragraph numbering and paragraph structure between the current and previous versions of the Framework, the sections relevant to the matter before me have not materially changed. References to Framework paragraphs hereafter are to the current December 2024 version. I have determined the appeal accordingly and in so doing I am satisfied that neither main party would be disadvantaged.

Appeal A

The appeal on ground (a)

Main Issue

9. The main issue is the effect of the metal storage containers upon the character and appearance of the appeal site and the surrounding area, with particular regard to outlook from neighbouring residential properties.

Reasons

10. The extent of the site area covered by the notice includes metal storage containers sited at both ground level and at an upper level on top of those at ground level. Although the appellant is critical of the Council, and the notice, in suggesting that its wording and requirements are somewhat vague, I disagree. The scope of the notice is quite clear, as is the matter which I am asked to consider in respect of the appeal on ground (a).
11. The site is a narrow strip of land between the rear gardens and outbuildings of properties on Purves Road and the railway lines behind. The containers are placed broadly perpendicular to the rear fence, such that a narrow access track is left between their frontages and the enclosures and outbuildings of the neighbouring properties on Purves Road.
12. Although the containers have been finished in a consistent and recessive colour, they are nevertheless utilitarian and somewhat stark in their appearance. However, only a limited portion of the area covered by the notice is directly visible from Station Terrace, with the remainder of the rear-most portion of the site largely hidden from view by the detached outbuilding on the outside of the corner of Station Terrace and, from the rears and rear gardens of properties on Purves Road, by the many and varied outbuildings that line the bottoms of the rear gardens.
13. Whilst the containers are somewhat utilitarian, at least those at ground level are relatively unobtrusively sited with regard to nearby residential properties. However, more noticeable and incongruous, are those containers at the upper level. These are somewhat haphazardly placed on top of the existing containers, without the same degree of consistency of siting as those at ground level. Some, notably those at the entrance to the site and just beyond the scope of the notice's requirements, sit flush on top of the ground level containers.
14. Those within the scope of the notice are slightly smaller containers which leave a set-back at the front from where access is taken via fairly rudimentary scaffold and scaffold-board style steps and raised platforms. Not only are the containers with the more haphazard placement more visually incongruous than those at ground level, but the nature and appearance of the platforms, access and steps lends the area an untidy appearance and somewhat ramshackle nature. Unlike those at ground level, the upper-level containers are more widely visible and form a more substantial backdrop to the residential properties on Purves Road.
15. Although the appellant seeks to draw upon the presence of the railway line, the nearby shops and commercial premises of the central area of Kensal Rise and the similar containers to the northeast of the appeal site, I am not persuaded that the Council were incorrect to refer to the area as 'predominantly residential' in

character. Whilst I accept that there are a mix of uses nearby, from my observations of the site and its surrounds and how it experienced it during my visit, predominantly residential is not wildly inaccurate.

16. Notwithstanding the site's proximity to the railway line, and the type of use and appearance that railway 'corridors' can typically take, the area is otherwise pleasant in both its character and appearance. The storage containers, in their totality within the appeal site, are incongruous and at odds with the pleasant and predominantly residential setting in which they are seen. The somewhat random siting and positioning of the containers at the upper level, serves to draw attention to the grouping of containers as a whole, and the upper-level ones are particularly clearly visible from both public vantage points and from neighbouring residential properties.
17. It is clear that the Council has invested in improvements to the public realm in the vicinity of the appeal site, whilst the predominantly residential nature of the surrounding area is attractive and, around the appeal site, also verdant, on both sides of the railway lines. There has clearly been a lengthy planning history to the appeal site and the containers currently in place may have replaced, over time, various buildings, sheds and other structures as the appellant's submissions and photo extracts show. None of these have been demonstrated to amount to a fallback position for the appellant and so I have to consider the nature of the alleged breach before me.
18. The appeal site lies beyond the CA's boundary. It is, however, sufficiently close to be seen from within it, and also as a foreground feature to the CA from public and private viewpoints on Purves Road and Station Terrace. The utilitarian and stark nature of the containers is harmfully at odds with the pleasant residential setting of the surrounding streets, and the focal area of the CA around Station Terrace, Chamberlayne Road and the commercial area around Kensal Rise station. The appeal scheme fails to preserve or enhance the setting of the CA as a result.
19. There has been some support for the retention of the storage containers from locally based businesses who benefit from their proximity to the storage facility and its ease of access to public transport. It has also been suggested that the storage container business supports other local businesses that provide services linked to the range of items that are stored at the site. These are matters that carry some weight in support of the retention of the containers and amount to wider public benefits to the local community.
20. However, it is also clear from the letters of representation that the storage facility is well used, perhaps to a greater degree than the appellant has suggested elsewhere in his submissions. This, in turn, supports my concerns regarding the likelihood of containers being accessed 'out of hours' or where access to the containers is blocked whilst other businesses are accessing theirs. Having carefully considered the letters of representation, they carry weight both in support of and against the appeal scheme and are thus, neutral in the overall balance and not sufficient to overcome the harm that I have identified to the character and appearance of the appeal site and surrounding area.
21. Brent Local Plan¹ (BLP) Policies DMP1 and BD1 set out the Council's approach to securing high quality development where, amongst other things, its location, scale,

¹ Adopted February 2022

type, materials and design compliments the locality and conserves and where possible enhances the significance of heritage assets and their settings. These aims are also consistent with those of the London Plan (2021) and its approach to high quality development, with particular regard to policies D3 and D4. For the reasons set out the appeal scheme fails in these respects and is therefore contrary to BLP Policies DMP1 and BD1 and LP Policies D3 and D4 and the objectives of the Framework consistent with these policies. The appeal on ground (a) therefore fails.

The appeal on ground (f)

22. An appeal under ground (f) may be brought if it is felt that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. Section 173 of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach.
23. In this case, the notice requires the removal of the metal containers within the defined site. This is consistent with the purpose of remedying the breach of planning control in accordance with s173(4)(a). The appellant's suggestion to paint the upper level containers a dark green colour to match those below would reduce the visual impact of those containers. Such a measure would address only injury to amenity, not the breach itself, and would in any event do little to minimise the visual effect of the somewhat random placing of the containers.
24. Nor would the appellant's further suggestion of re-siting the upper-level containers to ground level elsewhere within the appeal site remedy the breach itself. In any event, given the constraints presented by the narrow nature of the neck of land that runs between the containers and the rears of properties on Purves Road and the role of the courtyard area at the far end of the site in providing access to an adjoining workshop beyond the appeal site itself, it has not been demonstrated that such an approach would be feasible or that it would not be a greater part of the matters enforced against. The appeal on ground (f) therefore fails.

The appeal on ground (g)

25. The notice specifies a period of 6 months within which to remove the containers, all debris, contents or items arising from the removal of the containers and all materials arising from the installation of the metal containers. Despite the appellant's claim that 6 months is too short and that a longer period of 12 months is sought, the notice's requirements seem to me to be a reasonable period of time for compliance with the notice.
26. No evidence has been provided to indicate notice periods needed to be given to users of the containers, nor has the appellant substantiated the claims that the removal of the containers from the site would take longer than 6 months. The appeal on ground (g) should therefore fail.

Conclusion on Appeal A

27. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on

the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Appeal B

Main Issues

28. The main issues are the effects of the metal storage containers on:

- The character and appearance of the appeal site and surrounding area;
- Highway and pedestrian safety;
- Fire safety; and
- The living conditions of occupiers of neighbouring properties, with particular regard to outlook and privacy.

Reasons

Character and appearance

29. The appeal site is described as having had a lengthy history of commercial uses with a mix of building types. Whilst I do not doubt the appellant's description of the site's planning history and previous uses of the site, I do not have before me compelling evidence or detail of the planning status of the site. Nevertheless, a mix of photographs included within the appellant's statement of case provides some indication of the appearance, scale and character of previous buildings within the site.
30. The ground level containers are, in some respects, relatively discrete. They are painted a dark green colour and were, at the time of my visit at least, in good visual and decorative order. The dark green colour was particularly recessive given the verdant backdrop provided by trees behind the site and beyond the railway lines. Moreover, as an installation of just single level containers, their scale is not out of keeping with that of the surrounding buildings, being as they are typically single storey domestic outbuildings and garages.
31. From residential properties at ground level, intervening structures, buildings and vegetation would render the ground level containers largely hidden from wider view. Nevertheless, the containers are functional, utilitarian and stark in their overall form and appearance. Despite their recessive colour, the majority of the containers are visible along their faces from Station Terrace. Given the limited depth of the site, the containers are sited prominently with very little space left for anything other than access between them and adjacent outbuildings.
32. It may well have been the case that previous buildings within the site were somewhat unsightly, and the photographs provided would appear to indicate that some containers have been either unpainted or had graffiti on them, albeit that this was no longer, at the time of my visit, the case. However, in a predominantly residential setting and in an area close to the commercial centre of Kensal Rise where there have been clear visible efforts to improve the public realm, the containers are an incongruous presence.
33. Whilst I accept that there are already a significant number of containers to the east of the site outwith the scope of the application, rather than provide justification for

the appeal scheme, they serve to highlight the obtrusive form of such containers in a setting such as the appeal site's. On both a site specific basis and, cumulatively with those to the east, the containers within the appeal scheme would cause harm to the character and appearance of the appeal site and the surrounding area. The extent of harm to character and appearance when experienced from the residential properties is offset by the visibility of the site from the public realm on Station Terrace and the cumulative effect of the containers when considered with those further east.

34. The appeal site lies mostly beyond the CA's boundary, with the exception of a small area at the site's entrance from Station Terrace. It is, therefore, also sufficiently close to be seen from within it, and also as a foreground feature to the CA from public and private viewpoints on Purves Road and Station Terrace. For the reasons set out herein, and in relation to the portion of the site outwith the CA in respect of appeal A, the utilitarian and stark nature of the containers is harmfully at odds with the pleasant residential setting of the surrounding streets, and the focal area of the CA around Station Terrace, Chamberlayne Road and the commercial area around Kensal Rise station. The appeal scheme fails to preserve or enhance the setting of the CA as a result.
35. There has been some support for the retention of the storage containers from locally based businesses who benefit from their proximity to the storage facility and its ease of access to public transport. It has also been suggested that the storage container business supports other local businesses that provide services linked to the range of items that are stored at the site. These are matters that carry some weight in support of the retention of the containers and amount to wider public benefits to the local community.
36. It is also clear from the letters of representation that the storage facility is well used, perhaps to a greater degree than the appellant has suggested elsewhere in his submissions. The greater and more frequent the use of the containers, as a well-used facility as the representations suggest, supports concerns of the likelihood of containers being accessed 'out of hours' or occasions where access to containers is blocked whilst other businesses are accessing theirs. Having carefully considered the letters of representation, they carry weight both in support of and against the appeal scheme and are thus neutral in the overall balance and not sufficient to overcome the harm that I have identified to the character and appearance of the appeal site and surrounding area.
37. The appellant has described the evolution of the site over the years, from skip hire yard with workshop buildings and open storage, to the container storage facility currently in place. Comparisons are invited between the present containers on site and the condition and appearance of previous iterations of buildings, structures and use of the site, but I have only limited such evidence before me as to the appearance of previous structures on site. In any event, I have considered the appeal on the basis of the evidence before me and this is not a matter that persuades me that other factors outweigh or overcome the harm that I have identified.
38. BLP Policies DMP1 and BD1 set out the Council's approach to securing high quality development where, amongst other things, its location, scale, type, materials and design compliments the locality and conserves and where possible enhances the significance of heritage assets and their settings. These aims are

also consistent with those of the London Plan (2021) and its approach to high quality development, with particular regard to policies D3 and D4. For the reasons set out the appeal scheme fails in these respects and is therefore contrary to BLP Policies DMP1 and BD1 and LP Policies D3 and D4 and to the guidance set out within the Brent Design Guide SPD1² and the objectives of the Framework insofar as consistent with these policies.

Highway and pedestrian safety

39. The entrance to the site from Station Terrace is relatively wide and visibility is good in both directions. However, whilst wide, the immediate manoeuvring area within the site entrance is of limited depth. Although the appellant has sought to demonstrate accessibility to the site for larger vehicles, the arrangement as demonstrated nevertheless appears both convoluted, involving manoeuvring, realignment and reversing, and unrepresentative of the range of vehicles likely to use such a facility.
40. Once within the site, the access track appears to be of sufficient width for a van. However, because the track is effectively only a single vehicle wide, it is inevitable that congestion will arise if a unit is being accessed for loading / unloading. Depending on where the unit that is being accessed is positioned will dictate where any other vehicles would have to wait.
41. Whilst I accept that there is a turning area within the courtyard at the far end of the site, it would be of little help to those entering the site only to face a blockage along the access track. Whilst I have no indication as to the frequency of visits to the storage containers it is not difficult to imagine scenarios where either a larger vehicle experiences difficulties or obstructions manoeuvring into the site, or where another user has blocked the access track while loading or unloading, or indeed both. Vehicles backing up on to Station Terrace would very likely be the result.
42. I have carefully considered both the appellant's and the Council's Transport Team's positions regarding the submission of a Servicing Management Plan to manage loading / unloading and vehicle movements to, and within, the site. However, there appears to remain a considerable degree of uncertainty over the ability of the site to accommodate the appeal scheme, which seeks to retain the ground floor storage containers, the type of measures and provisions suggested as being part of any Servicing Management Plan.
43. The access track is relatively narrow and the loading / unloading of contents to and from vehicle to container would restrict access for other users to do likewise, whilst the restricted width of the access and entrance would impose limitations and difficulties upon safe and convenient access thereto, at the risk of harm to the safety of the pedestrian and vehicle movement. I am not therefore persuaded that it has been sufficiently demonstrated that the appeal site, in the layout and form set out within the application, can adequately accommodate the quantum of development and the movement and activity that goes with it. As such, the appeal scheme is contrary to BLP Policies BT3 and DMP1 and London Plan Policies D3 and D5 which together seek to secure schemes that are safe to access, exit and manoeuvre around without harm to pedestrians or road users.

² November 2018

Fire Safety

44. The appellant is rather vague as to the nature of the stored contents within the containers. However, given the proximity of the containers to residential properties and outbuildings, and the railway line and station to the rear, it is not unreasonable that the appellant should demonstrate that adequate fire safety measures have been, or could be, incorporated into the scheme.
45. I am not persuaded however by the appellant's argument that fire safety measures could be adequately addressed by way of planning condition, not least because that suggestion could have significant implications for the layout of the containers, and therefore consistency with the nature of what had originally been applied for. In any event, the access track does not appear to be of sufficient width to allow the required access for some emergency service vehicles, and the appellant's attempt to demonstrate otherwise with an SUV-type vehicle do not bear meaningful comparison. Furthermore, the evidence submitted in relation to fire safety appears to relate to certification of annual maintenance of certain appliances on site, rather than the range and breadth of matters described in the Council's submissions. It has not therefore been adequately demonstrated that the appeal scheme would achieve the highest standards of fire safety in the interests of the safety of users of the site and those living around it. The appeal scheme is therefore contrary to London Plan Policy D12.

Living conditions

46. Although the appeal site backs on the residential properties and their domestic gardens, many of those properties have substantial outbuildings located at the foot the gardens. The containers, by virtue of their size and, as proposed in this instance, being only sited at ground level, would not be noticeably taller than the outbuildings. Where gardens do not benefit from outbuildings, walls and fences are generally substantial on to the site's access track. The result being that, from ground level, the ground level containers are relatively well screened from wider view from the neighbouring residential properties.
47. Even from elevated positions, whilst visible, the ground level containers are sufficiently far from the houses to be unlikely to be particularly visually disruptive given foreground buildings and a verdant backdrop beyond the railway lines. Those same outbuildings and intervening vegetation are also such that outlook from the rear garden areas would not be materially harmed, and the limited height of single level containers would not be an overbearing presence in physical or visual terms for occupiers of Purves Road dwellings. Nor would only a single level of containers result in the potential for overlooking of, and loss of privacy to, these gardens as there would be no requirement for access to an upper level. I am not therefore persuaded that the appeal B scheme for ground level containers would be particularly harmful to the outlook enjoyed from residential properties on Purves Road.
48. With regard to noise, I am prepared to accept that the closing (and possibility of slamming) of the container doors may well be noisy. Although the appellant has stated that the site is secured by lockable gates, it was not obviously evident where these were. There were gates positioned towards the far end of the site such that the courtyard area at the far end was gated, but the access to the site

from Station Terrace and to the majority of the containers along the track appeared to be ungated and, therefore, essentially unrestricted.

49. Nevertheless, reference is made in the appellant's submissions to limitations on the hours of operation. Whilst I have no details of how this would be managed by the appellant in practice, or prevented given the layout of the site, hours of operation and access could be restricted by way of a suitably worded planning condition. The hours stated in the appellant's submissions do not seem unreasonable and such comings and goings by day, in a location close to a busy commercial centre, would not necessarily cause undue harm, notwithstanding the area's otherwise predominantly residential character. However, unchecked access into the evening would be more disruptive but could nevertheless be adequately controlled in the manner described.
50. As a general development management policy, BLP Policy DMP1 seeks, amongst other things, to ensure that development proposals do not unacceptably increase and, where possible, reduce, exposure to factors including noise. London Plan Policy D14 seeks to reduce, manage and mitigate noise in the interests of health, quality of life and residential amenity. BLP Policy DMP1 also seeks to ensure high levels of internal and external amenity are secured. For the reasons I have set out, I am satisfied that the proposed single level storage containers would not result in unacceptable effects upon, or harm to, residential amenity from noise arising from the operation of the container storage facility, or upon privacy or outlook. There would be no conflict with BLP Policy DMP1 or London Plan Policy D14 in these particular respects.
51. Although the appellant has made reference to the principle of 'agent of change' and London Plan Policy D13 (B) regarding established 'noise and other nuisance generating' uses, I am not persuaded that such a principle is directly applicable to the appeal scheme for which, in any event, I am satisfied that suitably worded planning conditions could mitigate such matters.

Conclusion on Appeal B

52. Whilst I have found no harm arising to the residential amenities of occupiers of neighbouring properties as a consequence of the appeal scheme, an absence of harm in this respect does not overcome the harm that I have identified in respect of character and appearance, access and pedestrian and highway safety and the fire safety of the appeal scheme. There are no material considerations, individually or cumulatively sufficient to overcome this harm and I conclude therefore that the appeal should be dismissed.

G Robbie

INSPECTOR