



Appeal Decision

Site visit made on 7 October 2025

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 10th October 2025

Appeal Ref: APP/C4615/C/25/3364901

Land at 63A Northfield Road, Netherton, DUDLEY, DY2 9JQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ranjeet Singh against an enforcement notice issued by Dudley Metropolitan Borough Council.
 - The notice was issued on 25 March 2025.
 - The breach of planning control as alleged in the notice is Without planning permission and within the last ten years the erection of a building (the Storage Container) on the Land as evidenced at Appendix 2.
 - The requirements of the notice are: (i) Remove the Storage Container from the Land in a lawful manner; and (ii) Remove from the Land and lawfully dispose of any debris, waste or materials arising from works carried out in compliance with step (i).
 - The period for compliance with the requirements is 28 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Ground (f)

2. The appeal concerns a shipping container sited on the forecourt of a take-away trading as Darby End Fish and Chips. It apparently replaced a small timber shed and is used for storage in connection with the take-away. As there is no deemed planning application, matters such as the visual impact of the shipping container, steps that could be taken to mitigate its visual impact, or applicable development plan policies, do not fall to be considered. In these circumstances the only point at issue under ground (f) is whether the enforcement notice's requirements exceed those necessary to remedy the particular breach of planning control addressed by the notice. The steps specified are clearly aimed at restoring the land to its condition before the breach took place, one of the purposes of enforcement notices set out in section 173(4)(a) of the Act. No reason is advanced as to why the requirements of the notice exceeds what is necessary to restore the land to its condition before the breach took place, and in reality, nothing short of removal of the shipping container could achieve that purpose, which, for the reasons explained above, is the limited scope of the ground (f) appeal in this case. As such, this ground of appeal must fail.

Ground (g)

3. The appellant seeks additional time to comply with the requirements in order to make arrangements for removal and alternative storage arrangements for business continuity purposes. However, removal should be relatively straightforward, and nothing has been provided to substantiate the suggestion that

business continuity would be compromised by compliance with the notice as issued. I am satisfied that the 28 days allowed is reasonable in the circumstances.

Paul Dignan

INSPECTOR