



Appeal Decision

Site visit made on 9 December 2025

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/L5810/C/23/3328549

Land at 50 and 50A Nelson Road, Twickenham TW2 7AU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Alan Bernard against an enforcement notice issued by the Council of the London Borough of Richmond Upon Thames.
 - The notice was issued on 19 July 2023.
 - The breach of planning control as alleged in the notice is without planning permission and within the last four years the siting of two storage containers on the land to the rear of the main building.
 - The requirements of the notice are: (i) Permanently remove the two storage containers from the land. (ii) Remove from the land any waste arising from compliance with step (i).
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (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.
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Decision

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.

Application for costs

2. An application for costs has been made by the Council of the London Borough of Richmond Upon Thames against Mr Alan Bernard. This application is the subject of a separate Decision.

Preliminary Matters

3. Part of the appellant's case is that the shipping containers in the enforcement notice have been in situ for more than four years. This is relevant to an appeal made on ground (d)-that, at the date the notice was issued, no enforcement action could be taken against the breach specified in the notice. Therefore, although the appeal form did not indicate that ground (d) was being pursued, I have dealt with the appeal as if it had also been made on that ground. There would be no injustice, as the Council responded to the hidden ground (d) appeal in their written statement.
4. The Richmond Local Plan 2024-2039 (LP) was adopted on 7 October 2025, superseding the previous version of that document. The deemed planning application arising from the ground (a) appeal falls to be determined against the Development Plan policies currently in force. The main parties were afforded the opportunity to make further representations concerning the LP policies relevant to the development and I have taken account of the comments received in my decision.
5. My decision takes the revised National Planning Policy Framework, which also came into force during the course of the appeal, into account.

Ground (d) appeal

6. The burden is firmly on the appellant to show why their appeal should succeed on this ground, the relevant test of the evidence being on the balance of probability.
7. The appeal premises contains a builders' yard. The containers, one of which has been placed on top of the other, are stationed in part of the yard. There is no dispute that the stationing of the containers at the premises has involved a building operation. I concur.
8. At the time the notice was issued, the effect of s171B(1) of the Act was that where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of four years beginning with the date on which those operations were substantially completed.
9. The appellant supplied little firm evidence to support their claim concerning the length of time the containers had been in situ. Conversely, the Council's evidence included extracts of dated photographic images from Google Earth showing that the containers are unlikely to have been stationed at the premises before January 2020, i.e., less than four years before the date of the notice.
10. Therefore, on the balance of probability it was not too late to take enforcement action against the stationing of the containers at the premises. The appellant has been unable to show otherwise. The ground (d) appeal fails.

Ground (a) appeal

Main Issues

11. The main issues in this appeal are:
 - The effect of the development on the character and appearance of the surrounding area.
 - The effect on the living conditions of occupiers of neighbouring residential property, having regard to outlook.

Reasons

Character and appearance

12. The yard is set back from the street behind a commercial building also forming part of the premises and a community building is to one side. For the most part however, development on Nelson Road and in Prospect Crescent at the rear of the premises consists of pairs and terraces of two storey residential properties which vary in terms of their age and architectural style and are finished in a range of complementary external materials. As a result, the environs possess a pleasant, largely suburban residential character and appearance.
13. The containers have a utilitarian, 'industrialised' appearance on account of their rectangular, box-like shapes and solid metal construction. This is in marked contrast to the more suburban residential qualities of most local development and has led to the containers being viewed as discordant features from Nelson Road in the vicinity of the entrance to the premises, in gaps between dwellings on Prospect Crescent and from neighbouring residential property.
14. The visual presence of the containers is reinforced by their overall height, the top container standing well above the boundary treatments and structures in the neighbouring rear gardens, as well as the light green colour finish, which does not sit easily with the mostly traditional and more durable colour finishes associated with the external materials of local buildings. By and large, items and equipment stored in the yard do not exceed the height of the boundary treatments to the same

or a similar extent as the containers, which have a much greater visual impact on their surroundings by comparison.

15. Therefore, the containers significantly and harmfully erode the visual qualities of the environs identified above, causing unacceptable harm to the character and appearance of the surrounding area. This is in conflict with LP Policy 28, which requires new development to be of high architectural and urban design quality, through amongst other things being compatible with the local character, including the relationship to existing townscape, development patterns, views, local urban grain and frontages as well as scale, height, massing, density, landscaping, proportions, form, materials and detailing.

Living conditions

16. The containers appear as obvious manufactured features beyond the end of the closest neighbouring residential gardens, due to their size and overall height, construction materials and external colour finish. Nevertheless, as the containers are a significant distance from the boundaries occupiers of neighbouring residential property do not experience a more substantial sense of enclosure, or a significantly more oppressive or restrictive outlook compared to the situation prior to development taking place.
17. Therefore, the containers have no adverse effect on the living conditions enjoyed by occupiers of neighbouring residential property. There is no conflict with LP Policy 46, which requires new development to protect the amenity and living conditions of occupiers of neighbouring properties. However, the absence of harm in this respect is a neutral factor which weighs neither for nor against granting permission.

Other matters

18. I am given to understand that the containers provide secure storage for tools and materials used by the appellant's business. Even so, that does not outweigh the harm identified above.

Whether granting temporary planning permission would be justified

19. The appellant sought temporary permission to station the containers for two years pending redevelopment of the premises. Even so, that would lead to the harm identified being perpetuated over a significant period. Moreover, there is little before me to indicate that the planning circumstances at the premises would change in the next two years. As far as I was made aware, no planning application for redevelopment of the premises has been made to date. Even if permission for redevelopment is forthcoming in future, there is no reasonable assurance that it would be implemented. This raises the distinct possibility that if temporary permission were to be granted, a further application would be made to continue to station the containers at the premises at a later date. Therefore, there is no justification for granting a temporary permission.

Conclusion-Ground (a) appeal

20. The development harms 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. Therefore, I conclude that the ground (a) appeal should not succeed.

Ground (f) appeal

21. The ground of appeal is that the requirements of the notice are excessive.
22. An enforcement notice can have the purpose of remedying the breach, including by restoring the land to its condition before the breach took place, and/or it can have the purpose of remedying any injury to amenity caused by the breach. The notice requires removal of the containers from the premises. This would restore the premises to its condition before the breach occurred. Therefore, although the notice does not state as such, its sole purpose must be to remedy the breach.
23. Whether temporary permission could be granted for the containers was explored in the ground (a) appeal, as this raises planning merits considerations. In the context of ground (f), requiring less than removal of the containers would sustain the breach. As the premises would not then be restored to its condition before the breach took place, the purpose of the notice would not be achieved. No other alternative to the notice requirements was suggested and to my mind, nothing apart from those requirements would achieve the purpose of the notice.
24. Therefore, the notice requirements are not excessive; they are proportionate, being the minimum steps necessary to remedy the breach. The ground (f) appeal fails.

Ground (g) appeal

25. The ground of appeal is that the time allowed for complying with the notice requirements is unreasonably short.
26. Removing the containers would be a small-scale, straightforward task which is unlikely to require the use of specialist equipment. Nor is making alternative arrangements for storing items and equipment currently stored in the containers likely to be particularly difficult or time consuming. In my estimation, the remedial works could be completed well within the two months allowed in the notice for doing so. There is no firm evidence before me to suggest otherwise.
27. Accordingly, the compliance period is reasonable and not too short. An appropriate balance is struck between remedying the breach as soon as practicable whilst not placing a disproportionate burden on the appellant. Extending the compliance period on the other hand would do little more than perpetuate the breach. The ground (g) appeal also fails.

Conclusion

28. 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).

Stephen Hawkins

INSPECTOR