



Appeal Decision

No Site Visit Made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2026

Appeal Ref: APP/N4205/C/25/3371482

Land to the south of Sunnybank, Bridge Street, Prestolee, Bolton M26 1HH

- 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 Tunde Olasupo of Believe Achieve CIC against an enforcement notice ("EN") issued by Bolton Metropolitan Borough Council.
 - The EN was issued on 18 July 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission, the siting of a steel box container.
 - The requirements of the EN are to: Permanently remove the steel box container from the land together with all fixtures and fittings.
 - The period for compliance with the requirement is: 45 days after this Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (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 "Without planning permission, the siting of a steel box container" and their substitution with the words "Without planning permission, the placing of a steel box container" in section 3 of the EN that refers to the matters that appear to constitute the breach of planning control.*
2. Subject to the correction, the appeal is dismissed and the EN is upheld.

Preliminary Matters

3. The appeal is under grounds (f) and (g) and therefore, the planning merits of the development are not relevant. 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. I have not received any comments from the main parties disagreeing.
4. I acknowledge the comments of interested parties. However, as the appellant has not appealed the EN under ground (a), I am unable to consider comments relating to the planning merits of the development.

Appeal on Ground (f)

5. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy the breach of planning control.

6. The EN is titled “*operational development*”; the breach of planning control does not allege a material change of use of the land; and the requirement is for the container to be removed from the land. It is therefore clear that the Council consider the breach to be operational development. However, the breach of planning control is described as “*the siting of a steel box container*” which infers a material change of use has occurred. Therefore, it is necessary for me to substitute “*siting*” with “*placing*”. As the correction is for precision, I am satisfied that neither party would be prejudiced.
7. The appellant asserts that the requirements of the EN are excessive and suggests a temporary period of 12 months would allow the Council to monitor activities at the site and ensure the container does not remain in perpetuity on the land. There is no ground (a) appeal before me and therefore, I am unable to grant temporary planning permission for the breach of planning control. Furthermore, the purpose of the EN is to remedy the breach of planning control. Therefore, any step lesser than the removal of the steel box container together with any fixtures or fittings would not remedy the breach.
8. For these reasons, the requirement is not excessive to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Appeal on Ground (g)

9. An appeal under ground (g) is that the period specified for compliance within the EN falls short of what should reasonably be allowed.
10. The appellant asserts that 45 days is insufficient to remove the container from the land as at the time of writing, they did not have an alternative site to locate the steel box container. They also state that it is unreasonable for them to find an alternative site until a s78 appeal¹ (“*the s78 appeal*”) for the retention of the container has been determined. The appellant suggests an alternative period of 6 months would be more reasonable for them to find an alternative site and, if required, allow time to submit and obtain planning permission to position it elsewhere.
11. The s78 appeal to retain the container for two years was dismissed on 29 October 2025. Therefore, to date, the appellant has had almost 3 months to find an alternative site and secure any necessary planning permission. To extend the period of compliance from 45 days to 6 months would be excessive, particularly given the time that has elapsed since the s78 appeal was dismissed.
12. As such, I find that the 45 day compliance period afforded by the EN does not fall short of what is reasonable. Therefore, the appeal on ground (g) fails.

Conclusion

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with a correction.

A Berry

¹ Appeal Ref APP/N4205/W/25/3369739

INSPECTOR