



Appeal Decision

Site visit made on 18 November 2025

by **M Savage BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2026

Appeal Ref: APP/T5150/C/24/3340832

134 Church Road, London NW10 9NH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Parvana Rahimi against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 12 February 2024.
- The breach of planning control as alleged in the notice is without planning permission, the installation of a shipping container to the rear of the premises.
- ("the unauthorised development").
- The requirements of the notice are to:
 - Step 1 Permanently remove the shipping container and its contents from the premises.
 - Step 2 Remove all debris and items, arising from the removal of the container, and remove all materials associated with the unauthorised development from the premises.
- The period for compliance with the requirements is: 12 months
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (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.

Decision

1. It is directed that the enforcement notice is varied by:
 - At Schedule 4, Step 1 of the notice, the deletion of the words "and its contents", so that Step 1 says "Permanently remove the shipping container from the premises."
2. Subject to the variation above, 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.

Preliminary Matters

3. Within paragraph 7.3 of their Grounds of Appeal document, the appellant states that 'due to the passage of time the appellant considers that the installation of the like-for-like single storey replacement structure is lawful.' I queried whether this matter should be considered under ground (d), which is that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters and whether the appellant wishes to make a formal request to add ground (d). No response was received and so I shall limit my consideration of the appeal to the grounds applied for. The enforcement notice was issued on 12 February 2024 and so, to succeed on an appeal under ground (d), the appellant would need to show that the shipping container was substantially completed by 12 February 2020. While the evidence provided by the appellant shows that a shipping container was *in situ* in December 2020, from the evidence provided, it seems that the shipping container has been repositioned, most likely reorientated. It therefore seems unlikely that an appeal under ground (d) would succeed in any event.

Ground (c)

4. An appeal under ground (c) is made on the basis that the matters stated in the notice (if they occurred) do not constitute a breach of planning control. The main thrust of the appellant's case under ground (c) is that the matters do not constitute a breach of planning control as they replaced a pre-existing structure of the same footprint, colour and position with the shipping container.
5. Section 55 of the Act sets out that "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. It is not disputed that the shipping container is a building and, given its size, physical attachment and permanence, I consider, on the balance of probabilities, that it is a building for the purposes of the Act.
6. Section 55(2)(a) of the Act provides that the carrying out for the maintenance, improvement or other alteration of any building of works which do not materially affect the external appearance of the building shall not be taken to be development. While the evidence shows that there was previously a single storey structure in place from at least 2008, from the appellant's own evidence, it seems this was constructed of different materials and of a different design. The structure would need to have been removed prior to the erection of the shipping container. Given that what has been erected is a completely different structure, it is not exempted from the definition of development by virtue of section 55(2)(a) of the Act.
7. There is no suggestion that the development benefits from either express planning permission or by the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) and, given that the appeal site comprises a commercial use on the ground floor, with residential flats above, I consider it unlikely to be permitted by the GPDO.
8. Thus, the shipping container is development for which planning permission is required and since none has been granted, the appeal under ground (c) must fail.

Ground (a):

Main Issues

9. The main issues of the appeal under ground (a) are the effect of the shipping container on:
 - The character and appearance of the area; and
 - The living conditions of neighbouring occupants.

Reasons

Character and appearance

10. The appeal site comprises a retail unit which fronts on to Church Road and backs onto Conley Road, a generally residential street comprising terraced and semi-detached dwellings constructed using traditional materials, with a modest number of garages and retail units of varying designs, constructed in a variety of different materials. Prior to the installation of the shipping container, there was a garage, in

a similar position of similar proportions, constructed of what appears to be wood (the appellant suggests it comprised plyboard panels) and metal painted black.

11. Policy BD1 of the Brent Local Plan 2019-2041 (the BLP) seeks high quality design and policy DMP1 seeks development which complements the locality. Policy D3 of the London Plan 2021 (the LP) similarly seeks development which responds to existing character and which is of high quality. The Council also refers to policy D4 in its enforcement notice, however, this policy sets out how design quality is to be scrutinised and maintained through to completion. It is therefore not determinative in this case.
12. The appellant has extended the building to the rear through the use of shipping container, which I was able to access from within the retail unit, but not from Conley Road. During my visit I saw that the container was used to store underlay and tools. While the shipping container is set back from the highway, broadly in line with the gates of No 132 Church Road and the dwellings along Conley Road, it is clearly visible from the public domain. Storage units which serve premises on Church Road can be seen along Conley Road. Although a variety of materials have been used along Conley Road, metal shipping containers are not characteristic of the area.
13. I note that an interested party suggests they consider the shipping container is an improvement and that it looks better than some of the other premises on the street. However, while materials used elsewhere in the construction of storage units along Conley Road are of varying quality and do not all complement the locality, I have no substantive information as to when these were constructed, or the circumstances surrounding their construction. I therefore afford this matter very limited weight.
14. The appellant asserts that the development has improved the residential amenities of neighbouring occupiers, as the pre-existing garage was constructed from plyboard panels and a corrugated metal room and was in a poor state of repair, making it vulnerable to crime, including thefts and anti-social behaviour. I recognise that the storage container also provides storage space, is likely to be of benefit to the business. However, the installation of the shipping container is not the only means of securing the site or providing storage space for the business. I see no reason why it would not be possible to design a structure which complements the locality. I therefore afford these matters very limited weight.
15. The appellant advises that they are willing to paint the shipping container, however, painting it would not lessen the harm caused to the character and appearance of the area. Furthermore, painting may actually increase the harm to the area if the paint is not maintained. While occupants in the area may be aware that the shipping container serves the shop on Church Road, the container contrasts with the traditional materials used in construction of the nearby dwellings and appears an incongruous feature, which harms the character and appearance of the area, contrary to policies BD1 and DMP1 of the BLP and policy D3 of the LP, the requirements of which are set out above.

Living conditions

16. Policy DMP1 of the BLP seeks development that provides high levels of external amenity, amongst other things. Given its location, the container is likely to be visible from the back yard of No 132 Church Road. It is unlikely, however, to be

visible to any significant degree from the rear gardens of neighbouring properties on Conley Road and, while No 17 Conley Road is adjacent to it, it is a flank wall which overlooks it.

17. The Council states that it has received a number of complaints in relation to the installation of the shipping container, how it appears, its location and its use. However, while the shipping container may be visible from neighbouring properties, this does not mean that it has harmed their living conditions. The shipping container is modest in height and while it can be seen from the flats to the upper floors of Church Road and properties along Conley Road, it does not harmfully diminish their outlook.
18. Thus, for the reasons given above, I find that the shipping container does not harm the living conditions of neighbouring occupants and there is no conflict with policy DMP1 of the BLP, the requirements of which are set out above.

Conclusion: ground (a)

19. While I have found that the appeal scheme does not harm the living conditions of nearby occupants, I have found that it harms the character and appearance of the area. The appeal scheme conflicts with the development plan as a whole and there are no material considerations which indicate that the decision should be taken other than in accordance with the development plan.

Ground (f)

20. An appeal under ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, 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.
21. Section 173(4) of the Act sets out the purposes of a notice are (a) remedying the breach by making any development comply with the terms... of any planning permission..., by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or (b) remedying any injury to amenity which has been caused by the breach. Since the requirements are to remove the shipping container, it is clear that the purpose of the notice is to remedy the breach.
22. The appellant requests that the shipping container be painted an alternative colour or that it be clad to the front and side in timber of similar composite material. However, allowing the shipping container to remain would not remedy the breach. The appellant suggests that, if altering the external appearance of the shipping container is not appropriate, that the notice be varied to allow a replacement garage to be rebuilt on site which matched the exact height, depth, width and style of the pre-existing structure. However, while a notice may require the carrying out of any building or other operations, the notice does not require that the pre-existing garage is rebuilt. Inserting a requirement to rebuild the garage would make the notice more onerous to comply with, which would cause the appellant injustice.
23. The enforcement notice requires the recipient to permanently remove the shipping container and its contents from the premises. However, the appellant is using the shipping container to store items which are used in association with the use of the

carpet shop. Requiring the appellant to remove its contents is excessive because the appellant could lawfully store those items within the shop.

24. The appellant has confirmed they consider such a variation would not cause injustice to either party and the Council has confirmed it has no objection to the variation suggested. I shall therefore vary the notice to delete the requirement to remove the contents of the shipping container from the premises. The appeal under ground (f) succeeds to that extent.

Ground (g)

25. An appeal under ground (g) is made on the basis that any period specified in the notice falls short of what should reasonably be allowed. The appellant states that the shipping container provides valuable storage space to the commercial premises and requests an additional 3 months to allow sufficient time for the appellant to raise funds to remove the container and store their stock off-site at a commercial storage facility, whilst making an application for an alternative structure.
26. While I recognise that there will be a cost involved in complying with the enforcement notice, the Council has given the appellant 12 months to comply, which in my experience is generous. This is likely to be sufficient to enable the appellant to find storage space off-site, or to reorganise the shop, so that items can be stored on the premises. Given the harm I have identified above, I consider 12 months is reasonable and proportionate and so the appeal under ground (g) fails.

Conclusion

27. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control. I shall vary the enforcement notice prior to upholding it and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended). The appeal on ground (f) succeeds to that extent.

M Savage

INSPECTOR