



Appeal Decision

Site visit made on 16 March 2026

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 April 2026

Appeal Ref: APP/W0734/C/25/3375678

15A The Village, Middlesbrough TS7 8BE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Gary Eccles against an enforcement notice issued by Middlesbrough Council.
 - The notice was issued on 16 October 2025.
 - The breach of planning control as alleged in the notice is the erection of a single storey building in use as a self contained residential unit.
 - The requirements of the notice are: a) Cease the residential use of the building; b) Demolish the building and remove from the land the resulting material and debris, together with any plant, tools and equipment used to undertake the required steps; and c) Demolish and remove the close boarded timber fence, fence posts, gate and gate posts from the land.
 - The period for compliance with the requirements is three (3) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d) and (f) 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.

Reasons

The ground (b) appeal

2. A ground (b) appeal is made when the Appellant claims that the breach of planning control has not occurred. The Appellant has not made any submissions specific to his ground (b) appeal. A single storey detached building has been erected on the appeal land and it is, as stated by the Appellant, in residential use. The breach of planning control has therefore occurred, as a matter of fact. The ground (b) appeal thus fails.

The ground (c) appeal

3. A ground (c) appeal is made when the Appellant claims that planning permission has been granted for the building or that it is development permitted under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The Appellant has referred to planning permission M/FP/0664/11/P, granted on 6 September 2011, for 'retrospective change of use to dwelling, dormer windows to front and rear, detached garage and hardstanding area' at 15A The Village. The planning permission was not implemented and completed as approved; the permitted 'dwelling' is four flats and the detached 'garage' has never been a garage with two garage doors as approved, but a self-contained residential unit with one large non-opening fake garage door and domestic openings. The single storey building does not benefit from the planning permission and is not development permitted under the GPDO. The ground (c) appeal thus fails.

The ground (d) appeal

4. A ground (d) appeal is made when the Appellant claims that the breach of planning control is immune from enforcement action through the passage of time. To be immune from enforcement action the single storey building must have been substantially complete and occupied as a residential unit for more than four years before the date of issue of the enforcement notice; since before 16 October 2021. The Appellant has stated, with regard to the building, that “It has been lived in since the early part of 2024”. It is safe to assume that the building was made substantially complete at about the same time. On the Appellant’s own evidence the building was not substantially complete and occupied as a residential unit from before 16 October 2021. The ground (d) appeal thus fails.

The ground (a) appeal

5. The main issues in the ground (a) appeal are the effect of the development on; first, the living conditions of residents of the self-contained unit, and 15A and 14 The Village; and second, the character and appearance of the Marton and The Grove Conservation Area within which the building is situated.

The first issue

6. The Appellant does not dispute the Council’s calculation that the building has an internal floor area of 36 square metres. The building is subdivided into a bedroom with en-suite shower room and a combined living/dining/kitchen area. The bedroom is large enough to, and does, accommodate a double bed with ample circulation space. The combined living/dining/kitchen area is L-shaped and about two metres wide. A glazed door is the sole access into the building and is in the kitchen area. There is no other natural light in the combined living/dining/kitchen area.

7. The Government has published ‘Technical housing standards - nationally described space standard’ (THS), which sets out minimum internal floor areas for dwellings. The minimum standard for a one bedroom one person one storey dwelling is 39 square metres and for a one bedroom two person one storey dwelling is 50 square metres. The bedroom meets all standards for a double bedroom but the building falls short of the floor space standard for even a one bedroom one person one storey dwelling. The building, in fact, falls short of the space standard for a one bedroom two person one storey dwelling by about 14 square metres; a shortfall of 28%.

8. The dwelling does not meet the space standards set out in the THS. Furthermore, at only about two metres wide the living space is cramped and inhospitable and has inadequate natural lighting. The dwelling, notwithstanding its sub-standard floor area, provides poor quality residential accommodation. The Government is committed to building many thousands of dwellings to meet housing need but is also committed to ensuring that the dwellings provide good quality accommodation. The dwelling does not meet that commitment and there is no evidence to justify the Appellant’s comment that the current resident could become homeless if the notice is upheld.

9. Evidence indicates that the land on which the building has been erected, which is associated with 15A The Village, has been previously in use for garaging and parking purposes. One of the four flats that comprise no.15A has a small external amenity area whilst the other three have none. But even if the land was made available for amenity use by the residents of the three flats it is unlikely to be used for that purpose and would continue to be used for parking purposes. Whilst the provision of off-street

parking for those residents may be beneficial it would not have any effect on or improve their living conditions.

10. 14 The Village is a semi-detached dwelling to the west of the building. Between the two buildings are the rear external amenity area of no.14 and an amenity area associated with the appeal dwelling. The two amenity areas are separated by a high timber boundary fence. The Middlesbrough Urban Design Supplementary Planning Document advises, at paragraph 4.9, that a minimum unobstructed distance of 14 metres will normally be required between principal room windows where buildings are single storey. The distance between the principal room window in the building to the rear elevation of no.14 is 11 metres.

11. The principal room window in the building is to a kitchen area, as opposed to the living area which is used for relaxation. Furthermore, the boundary fence prevents overlooking between the adjoining amenity areas and overlooking of the dwelling's external amenity area from first floor windows in no.14 is unlikely to occur. The relationship between the appeal dwelling and no.14 would not result in any concerns for the living conditions of residents of either dwelling.

12. The appeal dwelling has a sub-standard floor area, a layout that is dominated by the bedroom, and a cramped living space that lacks adequate natural daylight. The dwelling is poor quality residential accommodation and its resident has sub-standard living conditions. The development conflicts with policy CS5 of the Middlesbrough Core Strategy (MCS).

The second issue

13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the preservation of the character and appearance of the Marton and The Grove Conservation Area. The garage, if it had been built in accordance with the 2011 planning permission, would have a pitched roof, and two single garage doors in its front elevation. The garage as built has a flat roof and a single, wide, garage door. The Appellant has stated that one of his neighbours "...even asked me to keep the garage as low as possible so I agreed and put a flat roof on in place of the pitched tiled roof as in the planning that was approved...".

14. Buildings should be constructed wholly as permitted and should not, in any way, be altered to appease a neighbour; any alterations to a permitted scheme must first be agreed by the Council. The flat roof is a discordant feature in an area where pitched roofs predominate, and the building has a squat and unappealing appearance. The wide garage door is a dominant feature that also contributes to the unappealing appearance of the building. The building as constructed has a significant adverse effect on the character and appearance of the Marton and The Grove Conservation Area. The development conflicts with, for this reason also, MCS policy CS5.

Conclusion on ground (a)

15. The self-contained residential unit provides poor and unacceptable living conditions and the building has a significant adverse effect on the character and appearance of the Marton and The Grove Conservation Area. All comments by the Appellant have been taken into account but they do not, either individually or collectively, alter the conclusion that planning permission must be withheld for the erection of a single storey building in use as a self-contained residential unit at 15A The Village, Middlesbrough. The ground (a) appeal thus fails.

The ground (f) appeal

16. The building does not benefit from planning permission and there has been no change of use of the building because it was not built to be a garage but to be a self-contained residential unit. The requirements of the enforcement notice cannot be varied to require the alteration or extension of the building because the building is unlawful and any proposed works must first be considered by the Council through the normal planning process. In these circumstances the only remedies to the breach of planning control are the cessation of the residential use and the demolition and removal of the building. These are the requirements of the enforcement notice and they are not excessive. The ground (f) appeal thus fails.

John Braithwaite

Inspector