



Appeal Decision

Site visit made on 17 March 2026

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2026

Appeal Ref: APP/P2935/W/25/3374621

Land to rear / south-west of 1-17 Broadway Circle, Broadway Circle (rear), Blyth, Northumberland NE24 2PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Shahzad Saleem c/o Peter Shahzad Saleem & Family against the decision of Northumberland County Council.
 - The application reference is Ref: 25/00474/FUL
 - The development proposed is 'retrospective permission for demolition of vacant garages and proposed reuse of site for open storage & distribution use class B8 uses including the siting of moveable shipping containers (each container is 2.43m wide x 6.06m long x 2.59m high, not attached to ground and not attached to utilities) and erection of 3m high palisade fence and gates to boundary edges'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal relates to a planning application seeking permission for demolition of existing garages and reuse of the site for open storage and distribution use class B8 uses including the siting of moveable shipping containers and erection of 3m high palisade fence and gates to boundary edges. On my site visit it was evident that the site had been cleared of the existing garages. The appellant has referred to the demolition and clearing of the site not requiring planning permission. It is not my role in determining this appeal to establish the lawfulness of these works. While the description of development above refers to retrospective, this is not a form of development. The condition of the site as it existed at the time of my inspection was consistent with the application drawings other than the Existing Site Plan submitted was not consistent with the layout of the site which was cleared. I have therefore determined the appeal on the basis of the drawings submitted as they relate to the proposed development.
3. A revised Proposed Site Layout Plan (Drawing No: K299) was lodged with the appeal submission. This removed eight proposed parking spaces which were included on the original planning application submission. With regard to this additional information, the 'Procedural Guide – Planning Appeals – England' makes clear that the appeal process should not be used to evolve a scheme and advises that appeals should be generally determined on the same basis as the original application

4. Having regard to the substantive and procedural tests established in case law, I find that the information submitted with the appeal does not materially change or evolve the proposal. It remains broadly consistent with the information upon which interested parties were consulted at the application stage. Overall, accepting this information does not result in procedural unfairness or cause prejudice to the Council or other interested parties, all of whom have had the opportunity to comment on the document. I therefore conclude that the revised drawing should be accepted, and I have determined the appeal on this basis.

Main Issues

5. The main issues are:
 - (i) The effect of the proposed development on the character and appearance of the area;
 - (ii) the effect of the proposed development on the living conditions of surrounding occupiers with particular regard to overbearance, security, potential for crime and antisocial behaviour;
 - (iii) the effect of the proposal on highway and pedestrian safety; and
 - (iv) the effect of the proposal on ecology with specific regard to trees.

Reasons

Character and appearance

6. The appeal site is located to the rear of a mix of commercial units at ground floor level, with some residential accommodation above, within a predominantly residential area characterised by two-storey dwellings typical of mid-20th century suburban development. Whilst the mixed commercial and residential properties fronting Broadway Circus introduce a more varied townscape, the wider locality is primarily residential in nature, comprising semi-detached dwellings set within relatively generous plots. The appeal site is largely enclosed, with the majority of its southern and western boundaries adjoining the rear gardens of neighbouring residential properties.
7. The appeal site has recently been cleared of built development, and its surface comprises hardstanding and the remnants of the foundations of approximately 47 single-storey domestic garages used for the storage of motor vehicles which previously occupied the site. There is very limited vegetation remaining on the site and based on available information, a number of mature trees appear to have been removed. In its current condition, the appeal site does not make a positive contribution to the character and appearance of the area. Based on the photographs provided by the appellant, previously with the garages in place, the appeal site also did not make a positive contribution to the character and appearance of the area.
8. The proposal seeks to install movable shipping containers on the appeal site for use as storage units available for commercial rent. These would be arranged broadly in the same positions as the former garages around the site perimeter. The containers would replace the previous garage structures and would not be stacked, resulting in a maximum height of approximately 2.6 metres above ground level. The proposal also includes the erection of a 3-metre-high palisade-style

boundary fence around the entirety of the site. Access would be provided from two points along the lane to the rear of the Broadway Circus terrace, one from Third Avenue and the other from Princess Louise Road. Gated access would then be provided from this lane into the site.

9. The proposal would introduce a significant new form of development onto the appeal site. The installation of shipping containers would appear as a commercial and quasi-industrial addition within what is predominantly a residential area. The utilitarian appearance of the shipping containers would be stark, and the extended, largely uninterrupted linear form of their layout would exacerbate this visual impact, creating a sense of considerable scale.
10. Whilst it has been suggested that the shipping containers would effectively replace the former single-storey, flat-roofed garages, they would nonetheless appear as a more distinct and visually intrusive installation due to both their form and, in particular, their construction material. The use of metal contrasts with the concrete panels which appear to have been the predominant material used in the former garages and is less consistent with a suburban residential context. Although the containers would not be stacked and would be limited to a height of approximately 2.6 metres, there would remain significant views of the development from the first-floor level of surrounding properties. These views would be markedly different from the current situation, and the juxtaposition of the containers with the surrounding residential development would appear incongruous.
11. My attention has been drawn to the proposed 3-metre-high palisade boundary fencing. This would extend significantly above most of the existing boundary treatments at the ends of the adjoining rear gardens. It would introduce a prominent and distinctly industrial form of enclosure into this residential setting. The appellant has suggested that the height of the palisade fencing could be reduced to 2 metres by condition. Whilst this would mitigate the impact to some degree, it would nevertheless remain a visually incongruous and industrial form of boundary treatment within what is predominantly a suburban residential area.
12. Whilst I acknowledge that the appeal site does not presently make a positive contribution to the character and appearance of the area, there remains a clear requirement to ensure that any proposed development is appropriate and does not result in harm. In this case, that requirement would not be satisfied by the proposal.
13. For these reasons, the proposal conflicts with Policies QOP1 and QOP2 of the Northumberland Local Plan 2022 (the Local Plan). These policies, amongst other matters, seek to ensure that development makes a positive contribution to local character and distinctiveness and preserves the intrinsic character of the area.

Living Conditions

14. Given that the maximum height of the containers on site would be approximately 2.6 metres above ground level and noting that most adjoining dwellings have significant boundary fencing or vegetation at the ends of their substantial gardens, The installation of shipping containers would not have an adverse impact on the living conditions of neighbouring occupiers in terms of overbearance.
15. I have already considered the proposed palisade fencing in relation to character and appearance above. Whilst a 3-metre-high fence would introduce a more

industrial-style boundary extending beyond the existing treatments at the bottoms of neighbouring gardens which would be harmful. However, I am satisfied that a reduction in the height of the palisade fencing, which could have been secured by condition, would mitigate its overbearing impact to an acceptable degree. Subject to this adjustment, the proposal would not result in unacceptable harm to the living conditions of neighbouring residents. For these reasons, the proposal does not conflict with Policies QOP2 of the Local Plan 2022 in this regard.

16. It has been highlighted that the appeal site has, in the past, been a focus for crime and antisocial behaviour. In this regard, both the appellant and a number of interested parties have suggested that the proposed development would result in improved security on the site and for surrounding residential occupiers. Whilst only anecdotal evidence has been provided in relation to incidents of crime and antisocial behaviour, this remains a relevant material consideration.
17. The appeal site, particularly now that it has been cleared, does benefit from a degree of natural surveillance from surrounding properties, especially when compared to its previous condition when occupied by garages. This can be anticipated to mitigate potential for crime and antisocial behaviour. However, given its location away from main thoroughfares, the potential for crime and antisocial behaviour is a legitimate concern. That said, I am not persuaded that the proposal represents the only means by which improved security for the site and neighbouring occupiers could be achieved. It is also necessary to balance any potential security benefits against the wider impacts of the development.
18. In the absence of substantive or site-specific evidence relating to previous incidents of crime and antisocial behaviour, particularly during the period since the site has been cleared and in its present form, I attach only limited weight to this consideration in the overall planning balance.

Highway and pedestrian safety

19. Concerns have been raised regarding the ability to provide suitable access to the site for the larger vehicles that would be required to deliver and position the movable shipping containers in the manner proposed. Vehicular access is limited to routes from Third Avenue and Princess Louise Road, both of which are physically constrained by surrounding built development. I have been provided with evidence from interested parties indicating that larger HGV-type vehicles experience difficulty accessing the site via these routes.
20. The appellant has not provided substantive evidence demonstrating that appropriate vehicular access arrangements are achievable for the purposes of delivering and installing the shipping containers. Whilst it may be the case that refuse vehicles are able to access the site, this does not in itself establish that vehicles of the size and type required to transport shipping containers could do so. I note the appellant's suggestion that straddle carriers could be utilised; however, in the absence of evidence to demonstrate that such equipment could reasonably operate on the public highway in this location to access the site, the Council's concerns regarding the proposed use in this regard are justified.
21. On the basis of the information before me, the evidence does not demonstrate that the proposed shipping containers could be delivered to and positioned on the site as proposed. I note that the Highway Authority, in its role as a statutory consultee, requested further information on this matter during the application process, which

was not subsequently provided by the appellant. The onus rests with the appellant to demonstrate that safe and suitable access can be achieved, and this has not been done. Consequently, I am not satisfied that the proposal could be delivered without giving rise to unacceptable impacts on highway and pedestrian safety. In the absence of sufficient evidence to the contrary, the proposal is therefore contrary to the provisions of Policy TRA2 of the Local Plan.

Ecology

22. As noted, the appeal site has been cleared of the former garages, which has included the removal of trees and other vegetation that the appellant indicates were previously present. The Council has not disputed the appellant's position that no consent was required for the removal of these unprotected trees.
23. The Council's reason for refusal in this regard relates to a failure to provide sufficient information to fully assess the ecological impact of the proposal, particularly considering the removal of trees. However, the proposal before me does not include the removal of any trees, as this has already taken place.
24. There remain a number of mature trees within the gardens of neighbouring dwellings adjacent to the site. I have not been presented with evidence to indicate that these trees are subject to statutory protection. Whilst the positioning of the movable shipping containers would be unlikely to involve subsurface works, the installation of palisade fencing along the site boundaries would likely require excavation for posts, with the potential to affect the root systems of nearby trees. In these circumstances, it was not unreasonable for the Council to seek further information on this matter, as this would have informed the imposition of appropriately worded conditions to secure the protection of adjacent trees during construction, which would be reasonable irrespective of their unprotected status.
25. In these circumstances, I consider that the Council's primary focus for this reason for refusal, insofar as it relates to the removal of trees, is no longer directly relevant to the development proposed. Accordingly, I afford this matter very limited weight.
26. There is no dispute between the parties that the proposal is exempt from the requirement to deliver Biodiversity Net Gain.

Other Considerations

27. A key element of the appellant's case relates to the benefits of redeveloping this underutilised and derelict site within a sustainable urban location. It is contended that the proposal would provide additional facilities for local residents and contribute to economic activity. I also note the appellant's background as a local businessman and their stated intention to redevelop the site to address what has been described by some parties as a problematic location within the surrounding area.
28. These considerations are relevant and attract weight in the planning balance. However, the extent of that weight is tempered by a number of factors. Whilst the site may be in a sustainable location, this does not in itself determine that it is suitable for the particular form of development proposed and matters such as character and appearance and highway safety remain key considerations. Furthermore, I have not been provided with substantive evidence to demonstrate the level of demand for such storage facilities in the local context or the degree to

which the proposal would generate meaningful economic or community benefits. For these reasons, I attach only moderate weight to these considerations.

29. The appellant refers to paragraph 11(d)(ii) of the National Planning Policy Framework, which sets out the presumption in favour of sustainable development for decision-taking where there are no relevant development plan policies in place, or where the policies most important for determining the application are out of date. In such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, having particular regard to those policies relating to directing development to sustainable locations, making effective use of land, securing well-designed places, and delivering affordable homes, either individually or in combination.
30. In this case, an up-to-date development plan is in place, namely the Northumberland Local Plan (2022), and the proposal has been assessed against the relevant policies within that plan. This approach is consistent with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Planning Balance

31. In undertaking the planning balance, I have had regard to all relevant considerations. I have found that the development would result in harm to the character and appearance of the area. Furthermore, the evidence does not demonstrate that the proposal could be delivered without giving rise to unacceptable impacts on highway and pedestrian safety. These harms render the proposal contrary to the provisions of the development plan and attract substantial weight.
32. I have found no harm to living conditions in respect of overbearance and no harm has been identified in relation to ecology. These considerations therefore carry neutral weight in the planning balance.
33. The development would deliver some benefits. Improvements to site security and the potential reduction in opportunities for crime and antisocial behaviour are afforded limited weight. The redevelopment of an underutilised and potentially derelict site within a sustainable urban location, together with the provision of additional facilities for local residents and a contribution to local economic activity, are benefits which attract moderate weight in favour of the proposal.
34. However, I find that these considerations do not outweigh the harm identified.

Conclusion

35. The development therefore conflicts with the development plan taken as a whole, and there are no material considerations, including the Framework, which indicate that a decision should be made otherwise. Consequently, for the reasons given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

F P Tinsley
INSPECTOR