



Appeal Decision

Site visit made on 25 May 2026

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2026

Appeal Ref: APP/X3540/C/25/3362657

Land adjacent to 146 Kirton Road, Trimley St Martin, Felixstowe, Suffolk IP11 0QL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Last Hire & Renovations Ltd against an enforcement notice issued by East Suffolk Council.
 - The notice was issued on 18 February 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission the change of use of the Land from residential curtilage to a storage use, including the storage of a mobile home, vehicles, trailers, a boat, shipping containers, herras and other fencing, building materials, a skip, a portable toilet, and other miscellaneous items not associated with the use of the land as residential curtilage.
 - The requirements of the notice are to:
 1. Permanently cease the use of the Land for the storage of a mobile home, vehicles, trailers, a boat, shipping containers, herras and other fencing, building materials, a skip, a portable toilet and other miscellaneous items not associated with a residential curtilage use.
 2. Permanently remove from the Land the mobile home, vehicles, trailers, a boat, shipping containers, herras and other fencing, building materials, a skip, a portable toilet and other miscellaneous items not associated with a residential curtilage use.
 - The period for compliance with the requirement is: 3 months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
 - **Summary of decision: The appeal is dismissed and the enforcement notice is upheld with a correction and variations in the terms set out below in the Formal Decision.**
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The Enforcement Notice

1. Section 55 of the Act provides that development, in the context of a change of use, means “the making of any material change in the use of any buildings or other land.” Although the Enforcement Notice (EN) is directed at a change of use, the allegation at paragraph 3 does not specify that the change of use is material.
2. Furthermore, there is no requirement for a notice to identify the previous lawful use of the land, and the term ‘fencing’ is sufficient to encompass different types of fencing; accordingly, the wording “herras and other” is unnecessary and should be removed. It is also unnecessary to refer to the use of the land as residential curtilage, given that the Land is now physically separated from 146 Kirton Road. The alleged breach of planning control is therefore corrected and replaced with the following:

“Without planning permission, the material change of use of the Land to a storage use, including the storage of a mobile home, vehicles, trailers, a boat, shipping containers, fencing, building materials, a skip, a portable toilet and other miscellaneous items.”

3. This correction does not result in injustice to either party, as both the Council and the appellant have addressed the appeal on the basis that the alleged breach constitutes a material change of use, and the revised wording simply clarifies and accurately reflects that position.
4. The requirements of the EN are to cease the unauthorised use and remove the various items being stored on the Land. However, the inclusion of the word “permanently” within requirements 1 and 2 is unnecessary, as cessation of the use and removal of the items is sufficient to remedy the breach of planning control. Moreover, section 181(1) of the Act provides that compliance with the requirements of an Enforcement Notice does not discharge the notice; its effect therefore endures. Accordingly, requirements 1 and 2 are varied by deleting the word “permanently.”
5. In addition, it is unnecessary for requirement 1 to list all items being stored. The breach relates to a material change of use to storage, and therefore the first requirement should be to cease the storage use. The detailed specification of items is more appropriately included within requirement 2, which provides for the removal of the items associated with the storage use from the Land. The variations to the requirements would not result in injustice to either party, as they do not alter the overall requirements for compliance. The requirements will therefore be amended accordingly.

The ground (f) appeal

6. An appeal is made on ground (f) on the basis that the steps required by the EN exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity arising from that breach.
7. In this case, the EN does not explicitly state which of these purposes it seeks to achieve. However, the requirements include the cessation of the use and the removal of the stored items. On this basis, I find that the purpose of the EN is to remedy the breach of planning control.
8. The appellant submits that the removal of all items listed is not necessary to remedy any injury to visual amenity as the site is well screened by existing landscaping features. However, this approach conflates the planning harm arising from the breach with the purpose of the EN. The purpose of the EN is to remedy the breach of planning control. Accordingly, compliance requires both the cessation of the unauthorised use and the removal of all items associated with that use.
9. While the appellant may not seek to use the site permanently for storage and may pursue a future planning application for a dwelling, these matters are not material to the determination of this appeal. At the time the EN was issued, the Land was being used for an unauthorised storage use, which constituted a breach of planning control. The planning system does not permit unauthorised development to continue on the basis of a potential future application, and the EN properly requires the cessation of the breach as it existed at the relevant time.
10. Consequently, I find that the steps required by the notice to be taken, do not exceed what is necessary to remedy the breach of planning control. The appellant has not advanced any lesser steps that would achieve the same outcome and therefore the ground (f) appeal fails.

Appeal on Ground (g)

11. An appeal on ground (g) is brought on the grounds that the period specified for compliance falls short of what is reasonable. In particular, the appellant contends that it is not possible to secure suitable alternative land or premises for the storage of the items currently on the Land within the specified compliance period.
12. The EN allows a period of three months for compliance, whereas the appellant asserts that a period of six months would be required. However, it has not been sufficiently demonstrated that reasonable alternative arrangements could not be made within the three-month compliance period. In particular, the appellant has not provided evidence of active searches for alternative sites, nor identified specific practical or logistical constraints that would prevent relocation within the timeframe specified in the EN.
13. In determining what constitutes a reasonable period for compliance, I must also have regard to the planning harm arising from the unauthorised use of the Land. The three-month compliance period represents a proportionate balance between affording the appellant sufficient time to cease the unauthorised use and the need to remedy the breach of planning control without undue delay.
14. On the evidence before me, I am not persuaded that the compliance period is unreasonably short, or that an extension to six months is justified. Accordingly, the appeal on ground (g) fails.

Conclusion

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

Formal Decision

16. It is directed that the EN is corrected by:

- The deletion of the words *“Without planning permission the change of use of the Land from residential curtilage to a storage use, including the storage of a mobile home, vehicles, trailers, a boat, shipping containers, herras and other fencing, building materials, a skip, a portable toilet, and other miscellaneous items not associated with the use of the land as residential curtilage”*.

And their substitution with the words:

“Without planning permission, the material change of use of the Land to a storage use, including the storage of a mobile home, vehicles, trailers, a boat, shipping containers, fencing, building materials, a skip, a portable toilet and other miscellaneous items” in section 3 of the EN.

And varied by:

- the deletion of the words *“Permanently cease the use of the Land for the storage of a mobile home, vehicles, trailers, a boat, shipping containers,*

herras and other fencing, building materials, a skip, a portable toilet and other miscellaneous items not associated with a residential curtilage use.”

And their substitution with the words:

“Cease the use of the Land for storage” in Step 1 of section 5;

- the deletion of the words *“Permanently remove from the Land the mobile home, vehicles, trailers, a boat, shipping containers, herras and other fencing, building materials, a skip, a portable toilet and other miscellaneous items not associated with a residential curtilage use”*.

And their substitution with the words:

“Remove from the Land all items associated with the storage use, including a mobile home, vehicles, trailers, a boat, shipping containers, fencing, building materials, a skip, a portable toilet and other miscellaneous items” in Step 2 of section 5.

17. Subject to the correction and variations, the appeal is dismissed, and the EN is upheld.

V Goldberg

INSPECTOR