



Appeal Decisions

Site visit made on 28 April 2026

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2026

Appeal A Ref: APP/C4235/C/25/3361397

Appeal B Ref: APP/C4235/C/25/3361398

Mill Hill Farm, Arden Road, Bredbury, Stockport SK6 2SB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Chris Hickman (Cuboid Self Storage Ltd) (Appeal A) and by Ms Carrie Sharp (Appeal B) against an enforcement notice issued by Stockport Metropolitan Borough Council.
 - The notice was issued on 30 January 2025.
 - The breach of planning control as alleged in the notice is a material change in the use of land from agricultural use to a mixed use as agriculture and storage use including the provision of shipping containers used for the purpose of self-storage.
 - The requirements of the notice are:
 1. Cease the use of the land for a use for storage.
 2. Remove from the land all shipping containers.
 3. Remove from the land all CCTV cameras or external sirens including all cabling and brackets used to support the cameras or sirens.
 4. Remove any signage advertising Cuboid Containers including any directional signs.
 - The periods for compliance with the requirements are:
 - Steps 1 and 4: One month.
 - Steps 2 and 3: Three months
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (e), (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.
 - Appeal B is proceeding on the grounds set out in section 174(2)(e), (f), and (g) of the Town and Country Planning Act 1990.
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Decisions

1. It is directed that the enforcement notice is corrected by:
 - In section 3 the deletion of the breach of planning control alleged in its entirety and replacement with “The material change of use of the land to a storage use, including the provision of shipping containers”.
2. It is directed that the enforcement notice is varied by:
 - In section 6 the deletion of the words “Step 1 and 4 one month. Steps 2 and 3 three months” and replacement with the words “Six months”.
3. Subject to the above correction and variation, the appeals are dismissed and the enforcement notice is upheld. In respect of Appeal A, planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

4. Appeal A was originally made on grounds (a), (f), and (g), with Appeal B being made on grounds (f) and (g) only. However, on 9 June 2025 the agent acting on behalf of the appellants formally requested that an appeal under ground (e) was added.
5. The Council submitted that the ground (e) appeal was made out of time and therefore could not be considered. An appellant though may add or remove one or more grounds during the course of an appeal. Whilst the late introduction or withdrawal of a ground of appeal may in some circumstances amount to unreasonable behaviour resulting in wasted expense, and consequently give rise to a claim for costs, an appellant retains the right to add additional ground(s) of appeal.
6. In view of the above, the ground (e) appeal was accepted, and the Council was afforded the opportunity to comment on the additional ground of appeal. I have had regard to the comments received in my determination of the appeals.
7. In section 3 of the notice the breach of planning control alleged refers to the material change of use of the land from “*agricultural use to a mixed use as agriculture and storage use*”. It is noted though from both my site visit and the red line plan that a residential dwelling is also located on the appeal site. In such circumstances, the residential use should be included within the mixed use alleged.
8. However, in this instance there is no evidence before me to suggest that any residential or agricultural use or activities were taking place at the appeal site on the date the notice was issued. The available evidence indicates that the appeal site was being used solely for a self-storage use (along with the associated siting of shipping containers) at that time. This remained the case at the time of my site visit. Accordingly, I find that the alleged breach of planning control would be more accurately described as “*The material change of use of the land to a storage use, including the provision of shipping containers*”.
9. I can correct the notice in this regard using the powers available to me in section 176(1)(a) of the Town and Country Planning Act 1990 (“the 1990 Act”) as the correction does not fundamentally alter the terms or requirements of the notice, and it will not cause injustice to either the appellants or local planning authority. Furthermore, it would not affect the appellants rights to revert to the previous lawful use(s) under section 57(4) of the 1990 Act. For clarity, section 57(4) provides that where an enforcement notice is issued in respect of development, planning permission is not required for any use of the land that would have been lawful had the development not occurred.

Appeals A and B on ground (e)

10. An appeal on ground (e) is that copies of the enforcement notice were not served as required by section 172 of the 1990 Act. The appellants ground (e) case is that no plan was attached to the notice, despite referring to one which was said to identify the affected land as being edged red. In support of this the appellants have provided three scanned copies of the notice which were served on Lea Valley limited, Solutus Advisors Limited, and Cuboid Self Storage. In each case, there is no plan attached.

11. The Council however dispute this and claim that they are satisfied that the enforcement notice that was served on Cuboid Self Storage by post to their office did have a plan attached to it. A scanned copy of the notice concerned has been provided.
12. In any event, whilst section 172 of the 1990 Act sets out the powers to issue a notice and section 173 sets out its required contents and the effects of a notice, neither refers to the need for a plan. However, Regulation 4 of Part 2 to the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 sets out “Additional Matters to be specified in an enforcement notice”. Amongst these is (c) which states that a notice shall specify “*the precise boundaries of the land to which the notice relates, whether by reference to a plan or otherwise*”.
13. Thus, a notice would not be invalid in the absence of an accompanying plan. The test is whether the boundaries of the land, referred to in section 2 of the notice, are sufficiently precise for a recipient to identify the land it referred to. In this case, I find that they were and the notice would therefore be neither invalid nor a nullity by reason of the lack of an attached plan.
14. The description of the land to which the notice relates is precise, and recipients of the notice would be aware of what was being enforced against and where this was the case. Certainly, there is no evidence before me to suggest that the appellants were in anyway unsure about what was being enforced against or where the alleged breach was located. Consequently, I find that, even in the event that the notices were served without an attached plan, no prejudice was caused.
15. For the reasons given above, the appeals on ground (e) fail.

Appeal A on ground (a) and the deemed planning application

Main Issues

16. The main issues are:
 - whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (“the Framework”) and any other relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on highway safety; and
 - whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

17. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of buildings and other forms of development should be regarded as

inappropriate development in the Green Belt, subject to several exceptions set out in paragraphs 154 and 155 of the Framework.

18. Saved policy GBA1.2 of the Stockport Unitary Plan (adopted May 2006) (UDP) is referenced in the reasons for issuing the enforcement notice. In this instance I consider that this policy is more restrictive than, and therefore not fully consistent with, the Framework. As such, I have relied upon the Framework in assessing whether the development would be inappropriate development in the Green Belt.
19. The appellant contends that the development subject of the notice accords with the exception in paragraph 154 g), which provides for the partial or complete redevelopment of previously developed land (PDL) which would not cause substantial harm to the openness of the Green Belt.
20. The Framework defines PDL as land which has been "*lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it*". It excludes land that is or was last occupied by agriculture or forestry buildings.
21. There is no dispute between the parties that the previous lawful use of the land was agricultural, and the existing buildings on the site are agricultural buildings. There is no convincing evidence to indicate otherwise. Since the site is therefore excluded from the PDL definition, the appeal site does not constitute PDL.
22. The appellant has also referred to the exception set out at paragraph 155 of the Framework. Whether the development constitutes an exception under paragraph 155 is firstly dependant on an assessment on whether it constitutes Grey Belt land, as defined in the Framework glossary. Grey Belt land is defined as "*land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143*".
23. For the reasons I have already set out above, the appeal site does not meet the definition of PDL. However, in my view it is other land that does not strongly contribute to any of the purposes set out in (a), (b), or (d) of paragraph 143 of the Framework. It is therefore grey belt land. Nonetheless, paragraph 155 states that, to avoid being inappropriate development in the Green Belt, development on grey belt land must meet other criteria. This includes there being a demonstrable unmet need for the type of development proposed. I have not been provided with any compelling evidence to show that there is a demonstrable unmet need for the development that has been carried out. Accordingly, on the evidence before me, the development is not compliant with paragraph 155 of the Framework.
24. I therefore conclude that the development does not meet the exceptions listed in paragraphs 154 and 155 of the Framework, as put forward by the appellant. From the information before me, there is no reason to believe that the scheme would meet any of the other exceptions set out in paragraph 154. The development is therefore inappropriate development within the Green Belt.

Openness

25. Given that I have found that the development amounts to inappropriate development, it is necessary for me to assess its impact on openness. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to

prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence.

26. The shipping containers that facilitate the storage use are single storey and at the time of my visit there were approximately sixteen in total. The shipping containers are positioned in a row and combine to create a structure of significant bulk and size, on land which was previously part of an open farmyard. Therefore, given the obvious increase in both footprint and volume, the containers have the unavoidable consequence of resulting in the reduction in the spatial openness of the Green Belt.
27. Despite the spatial reduction in the openness of the Green Belt, there is a more limited visual reduction in openness. The shipping containers are not immediately visible from public vantage points, due to the topography of the site, screening from existing vegetation, and the presence of existing buildings. Nevertheless, the use and the large number of steel shipping containers is uncharacteristic for this location and long-distance views are still possible from nearby private land and plots. Consequently, the development only results in limited harm being caused to the visual aspect of openness.
28. Given that the compact nature of the use and shipping containers which are located within the confines of the existing farmyard, I do not consider that the development conflicts with the Green Belt purpose of safeguarding the countryside from encroachment as set out at paragraph 143 c) or indeed any of the other Green Belt purposes.
29. Notwithstanding the limited visual impact, spatially the shipping containers significantly reduce the openness of the Green Belt through the introduction of new structures in an area of land which was previously free from built form. Overall, the use, which is facilitated by the existence of the shipping containers, does not preserve the openness of the Green Belt. Given the fundamental aim of the Green Belt to keep land permanently open, this loss of openness weighs against the development.

Character and Appearance

30. The appeal site is part of the original farmyard at Mill Hill Farm and includes dilapidated farm buildings and a currently unoccupied farmhouse. The immediately surrounding area is rural in character and consists predominantly of open green fields. The site is also located within the Tame Valley landscape character area.
31. The containers are, by their very nature, functional in their design and appearance and they are not normally found in an agricultural or rural environment. In the context of the appeal site, they result in a utilitarian and urbanising presence which detracts from the rural setting.
32. Consequently, notwithstanding that the containers are painted green and that the appeal site is partially screened by existing buildings and vegetation, the containers remain visible in some longer distance views and the use of the appeal site for self-storage has a harmful impact on the rural character and appearance of the area. Whilst conditions could be imposed to restrict stacking and/or the overall number of containers, this would not adequately mitigate the harm I have identified.

33. I therefore conclude that the development results in unacceptable harm to the character and appearance of the area. It is therefore contrary to Policy LCR1.1 of the UDP and Policy SIE-3 of the Stockport Core Strategy Development Plan Document (adopted March 2011) (CS) which seek, amongst other things, to ensure that developments protect or enhance the quality and character of rural areas.

Highway Safety

34. Policy T-3 of the CS outlines that development which will have an adverse impact on the safety and/or capacity of the highway network will only be permitted if mitigation measures are provided to sufficiently address such issues. It further sets out that developments shall be of a safe and practical design, with safe and well-designed access arrangements, internal layouts, parking and servicing facilities.
35. Saved Policy TD2.2 of the UDP states that developments that have an impact upon rural roads, which would detract from their character and their value as “Quiet Lanes”, will only be permitted where they can be justified on safety grounds. Any development that would result in a significant increase in traffic or conflict between different users of these lanes will not be permitted.
36. The appeal site is accessed via a single carriageway which is partly constructed in cobbles and generally is in poor condition. There are very few passing places along the carriageway with the access into the appeal site itself banking up steeply.
37. The lane is rural in character and is likely to also be used by pedestrians, cyclists, and horse riders alike, particularly given the presence of a public footpath and bridleway. Although users of the storage facility are unlikely to visit the site daily, it will undoubtedly result in vehicular movements to and from the site from users either taking items to be stored or retrieving items from site. Depending on the type of items being stored, these may also include trips in vans or other vehicles larger than the standard family car. In my view this will result in a noticeable increase in vehicle movements and increase the likelihood of conflict with other road users.
38. I have been provided with no assessment or report as to the effects of the storage use on the surrounding highway network. Nevertheless, the storage use is highly likely to result in an increase in vehicle movements when compared to the former agricultural use. Whilst I accept that the use is unlikely to generate very high levels of traffic, given the nature and condition of the single width carriageway and access, I consider that even a relatively moderate increase in vehicle movements would likely have a detrimental impact on highway safety.
39. In view of the above there is no compelling evidence before me to demonstrate that the development does not detrimentally impact highway safety. Consequently, the development fails to comply with Policy T-3 of the CS and Policy TD2.2 of the UDP.

Other Considerations

40. The appellant has set out other considerations in support of the appeal. These include the economic benefits arising from the business, including the paying of business rates, and that the site is PDL. However, there is no evidence before me which demonstrates that the same benefits could not be achieved on alternative

sites without resulting in the harms I have identified. I therefore attach little weight to these benefits.

41. The appellant also argues that there is a strong demand for the unauthorised storage use. Other than the appellant's contention that the storage containers at the appeal site are fully let, I have not been provided with any evidence to demonstrate that there is an unmet or strong demand for such a storage use. Furthermore, there is no evidence to indicate that an assessment regarding the availability of other alternative sites in the local area has been carried out. Accordingly, the weight I can attribute to this matter is extremely limited.
42. The absence of unacceptable harm to matters such as flood risk, drainage, noise, archaeology, trees, and air quality are neutral factors which weigh neither in favour nor against the development.

Planning Balance and Conclusion on ground (a)

43. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be supported except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
44. I have found the development to be harmful to the Green Belt by reason of inappropriateness and loss of openness. I attach substantial weight to these harms, in accordance with paragraph 153 of the Framework. I must also add the harm caused to the character and appearance of the area and highway safety. Other considerations, either individually or cumulatively, only carry little weight and therefore do not clearly outweigh the harm caused to the Green Belt and the other identified harms. Consequently, the very special circumstances necessary to justify the development do not exist.
45. I have also considered whether a grant of a temporary two-year planning permission would be appropriate. The Planning Practice Guidance advises that a temporary permission may be appropriate where it is expected that planning circumstances will change in a particular way at the end of the temporary period. In this case, however, the identified harms, particularly those relating to the Green Belt and the character and appearance of the area, exist now and would persist for the duration of any temporary permission. There is no substantive evidence before me to indicate that such planning harm would diminish over time. I therefore conclude that a temporary permission would not be appropriate.
46. Accordingly, the development conflicts with the development plan when read as a whole, and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all matters raised, I conclude that the appeal on ground (a) should be dismissed, and planning permission be refused on the deemed planning application.

Appeals A and B on ground (f)

47. For the appeals to succeed on ground (f), I must be satisfied that the steps required to comply with the notice are excessive and lesser steps could overcome the breach of planning control or, as the case may be, the injury to amenity. It is

clear from the requirements of the notice that its purpose is to remedy the breach of planning control.

48. However, far from proposing alternative or lesser steps which would remedy the breach of planning control, the appellants have instead argued for “an exit strategy”, including how and when the shipping containers need to be removed from the site, and requesting that the CCTV and signage remain in situ whilst the containers remain on site and the use continues. These matters though are not proposed lesser steps but are instead matters which would be better addressed under ground (g).
49. The breach of planning control can only be remedied by the cessation of the storage use and the removal of the shipping containers and other associated items and infrastructure. No lesser steps have been drawn to my attention by the appellants nor are there any obvious alternatives that would achieve the purpose of the notice. As a result, the appeals on ground (f) fail.

Appeals A and B on ground (g)

50. An appeal on ground (g) is that the time given to comply with the requirements of the notice is too short. The notice specifies a period of one month for steps 1 and 4, and three months in respect of steps 2 and 3. The appellant argues that given the nature of the development, the compliance period should be extended so that it allows four months (steps 1 and 4) and six months (steps 2 and 3) respectively.
51. The appellant has not provided any specific reasons or justification for why such an extension would be necessary, although under their ground (f) appeals reference is made to persons who use the facility holding licences and that the signage and CCTV cameras should remain whilst the containers remain in situ.
52. Nevertheless, it is clear to me that the process of arranging for those persons who use the facility to collect and remove their items from the containers to an alternative site may not be without challenge. Similarly, the process of physically removing the significant number of shipping containers from the appeal site could potentially not be straightforward. I also agree with the appellant that there seems to be little benefit in removing the CCTV cameras or signage whilst the containers remain on site.
53. With that in mind, I consider that a compliance period of six months for all the requirements to be carried out would be more appropriate. In my view, this would strike the appropriate balance and represent an appropriate and reasonable compliance period. Accordingly, the appeals on ground (g) succeed to that extent.

Conclusion

54. For the reasons given above I conclude that the appeals do not succeed, save for ground (g). I have therefore upheld the enforcement notice with a correction and variation, and in respect of Appeal A, refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

David Jones

INSPECTOR