



Appeal Decisions

Site Visit made on 22 September 2026

by **J Whitfield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2026

Appeal A Ref: APP/K0235/C/26/3378548

Appeal B Ref: APP/K0235/C/26/3378549

Land known as Struttle End Farm, Renhold Road, Ravensden, Bedford MK44 2RH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Jonathan Erven (Appeal A) and I Want Storage Ltd (Appeal B) against an enforcement notice issued by Bedford Borough Council (the LPA).
- The notice was issued on 10 April 2026.
- The breach of planning control as alleged in the notice is: without planning permission, the material change of use of the land for the stationing of ISO containers for use as a self-storage facility and the installation of hardstanding.
- The requirements of the notice are:
 - i. Cease the use of the land for the stationing of ISO containers for use as a self-storage facility.
 - ii. Remove all ISO containers from the land.
 - iii. Remove all of the hardstanding hatched in orange on Plan 1 from the land.
 - iv. Remove all waste and materials resulting from (ii) and (iii) from the land.
 - v. Reinstatement of the land to its condition before the commencement of the use.
- The periods for compliance with the requirements are:
 - i. Six months.
 - ii. Six months.
 - iii. Ten months.
 - iv. Ten months.
 - v. Ten months.
- The appeals are proceeding on the grounds set out in section 174(2)(b), (c), (d), (e), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Decisions

1. The appeals are allowed and the enforcement notice is quashed.

Applications for costs

2. An application for costs was made by Jonathan Erven (Appeal A) and I Want Storage Ltd (Appeal B) against Bedford Borough Council. That application is the subject of a separate decision.

The Enforcement Notice

3. The notice requires the removal of the hardstanding identified by orange hatching in Plan 1. However, the plan does not contain orange hatching. The LPA have submitted a revised plan with an area hatched in orange. It says the notice can be corrected to substitute the plan. However, the hatching covers a part of the Land adjacent the building where no hardstanding was at the time the notice was issued. I therefore cannot correct the notice to include the revised plan without causing injustice to the appellants, as they would be unable to comply if it requires the removal of hardstanding from an area where no such hardstanding exists.

4. However, it seems to me that the notice need not refer to the hardstanding by reference to a plan. It simply needs to seek removal of the hardstanding which is comprised in the breach of planning control. Such a correction would not cause injustice to the appellants or the LPA.

Appeals A and B on ground (e)

5. An appeal on ground (e) is brought on the basis that copies of the enforcement notice were not served as required by S172 of the Act. S172(2) of the Act states that a copy of an enforcement notice shall be served – (a) on the owners and on the occupier of the land to which it relates; and (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
6. The appellants argue that a copy of the notice was not served on Mr Harrison who it is said occupies and farms the wider holding of Strutt End Farm. The appellants submit, by reference to a red line, an image showing the extent of the land which is farmed. However, this image shows that all of such land lies outside the Land subject of the enforcement notice.
7. The appellants also argue that Mr Harrison is an occupier for the purposes of S172(2) of the Act on the basis that he will most likely farm the Land if the notice is upheld and the Land is put back to lawful agricultural use. However, whilst an occupier can include a person with a lease, a licence or oral permission, Mr Harrison's interest in farming the Land did not appear to exist at the time the notice was issued. Indeed, such interest in the Land would only arise in the event the notice came into effect and if permission was given by the appellants. To my mind, not every person who may occupy Land following compliance can be considered to be an occupier or have a material interest.
8. Moreover, the appellants do not clearly state that agreement exists with Mr Harrison that he will farm the Land in the event the notice is upheld, only that it is likely he will wish to do so and that agreement would need to be reached accordingly. Indeed, in stating that, "I can confirm that I have an informal verbal agreement with a local farmer to farm the site and wider agricultural land that is not used for the self-storage business", the appellants do not say that such agreement to farm the Land following cessation of the storage use existed at the date the notice was issued. Thus, to that extent, I find Mr Harrison was not an owner or occupier of the Land at the time the notice was issued nor am I led to conclude that he is materially affected by the notice.
9. The appellants also argue that those persons who have entered into an agreement to store their property within the containers, and who have indeed done so, are also occupiers of the Land. The LPA states that to establish who would be materially affected by the notice, it issued a Planning Contravention Notice (PCN). A PCN was issued on 16 January 2026. However, as far as the evidence indicates, it was only served on the appellants. Indeed, within the PCN, it did not ask the owner to identify any other occupier or persons with a material interest in the Land. It simply asked the recipient to state their interest in the Land, the name and address of the freeholder, name and address of leaseholder, who owned the containers and, the seemingly irrelevant question of, whether there were any personal or other circumstances that should be considered if consideration is given to cessation of the residential use of the land. At no point did the PCN seek

information on any occupier or person with a material interest in the Land, something which the appellants presumably could have readily provided if asked.

10. Whilst I note the LPA identified the landowner by way of Land Registry search, S172(2) is clear that it is not just the owner on who a copy of the notice must be served. The Act does not define occupier, but case law has established that they may be lessees or licensees by virtue of an oral or written license. Relevant factors will include degree of control, duration of occupation and the nature of the occupancy. To that end, while the PCN powers are discretionary, LPAs are advised to issue them to discover who the relevant owners, occupiers and persons with an interest are. In this instance, that has not been done.
11. As it is, whilst those persons do not have a lease or tenancy for the appeal site, they do have a contractual right to store their goods on the Land and have access to them during specified times. Whilst I note that the contract can be cancelled within a specified notice period, to my mind, the storage use subject of the notice relates to those persons occupying part of the Land for their privately owned property for whatever period is agreed between them and the appellant company. An enforcement notice which requires the cessation of the storage use and removal of the containers in which that property is being stored, would materially affect those persons since they would have to remove their property from the Land and would no longer be able to store it there. As a consequence, I consider those persons who had property stored on the Land at the time the notice was issued would have been occupiers or, in the alternative, materially affected by the notice and thus, in accordance with S172(2) of the Act, should have been served with a copy of the enforcement notice. They were not.
12. S176(5) of the Act sets out that, where it would otherwise be a ground for determining an appeal under S174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.
13. As I have set out above, those persons who had a contractual agreement to store their property on the Land at the time the notice was issued would be materially affected by the notice. There are no appeals before me from any of those persons nor indeed any evidence from them supporting the appellants' cases. As a consequence, they have been substantially prejudiced by the failure to serve them with a copy of the notice.
14. The appeals on ground (e) therefore succeed.

Conclusions

15. I conclude that substantial prejudice by the non-service of the enforcement notice has arisen and this is not a case when I can exercise the power to disregard that non-service in accordance with S176(5) of the 1990 Act as amended. The appeals on ground (e) succeed and the enforcement notice will be quashed. In these circumstances, the appeal on the grounds set out in section 174(2)(b), (c), (d), (f) and (g) to the 1990 Act as amended do not fall to be considered.

J Whitfield

INSPECTOR