Planning Inspectorate

Appeal Decision

Site visit made on 30 September 2026

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 20 November 2026

Appeal Ref: APP/Y2003/C/25/3369895
Land at Cleatham House Farm Barn, Manton, Gainsborough, DN21 4JN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr C Ambler against an enforcement notice issued by North Lincolnshire Council.
- The notice was issued on 25 June 2025.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a dwellinghouse comprised of three steel shipping containers clad in timber, and the installation of ancillary infrastructure.
- The requirements of the notice are to: i. Dismantle and remove from the site the dwellinghouse and all its constituent parts, including but not limited to timber cladding and the three shipping containers. ii. Dismantle and remove from the site all infrastructure ancillary to the dwellinghouse/shipping containers.
- The period for compliance with the requirements is 9 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c) 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.

Decision

1. It is directed that the enforcement notice is corrected and varied by:

    - the deletion of the word "three" in the allegation in paragraph 3; and
    - the removal of the words “ancillary to the dwellinghouse/shipping containers” and substitution with the words “which was installed to facilitate the development of the unauthorised dwellinghouse” in requirement (ii) in paragraph 5.

2. Subject to the correction and variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (b)

3. The building which is targeted by the enforcement notice falls within the definition of development under section 55 of the Town and Country Planning Act 1990.

4. The allegation is incorrect as it refers to a dwellinghouse comprised of three steel shipping containers but the appellant has indicated that the structure is comprised of five shipping containers. However, this does not materially alter the residential nature of the allegation or the cases put by either party. The allegation can be

corrected to remove the reference to the number of shipping containers without causing injustice to either party and I therefore direct that this should be done.

5. The ground (b) appeal therefore succeeds to this limited extent.

Ground (c)

6. An appeal on this ground is on the basis that the matters alleged in the notice do not constitute a breach of planning control.

7. Permission reference PA/2014/1167 was granted on 6 October 2015 to convert the existing farm building on the appeal site into a dwelling ("the 2015 Permission"). The parties agree that this permission was implemented. The appellant argues that the structure which is the subject of the enforcement notice in this appeal was permitted development under Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as a building required temporarily in connection with and for the duration of operations being or to be carried out on the land.

8. The structure may have originally been brought onto the site in connection with the conversion works under the 2015 Permission but the physical state of the original farm building had deteriorated to such an extent that it is no longer possible to complete that consented development.

9. Further collapse of the northern elevation and roof, as identified in the plans submitted by the appellant and the structural engineer's report, mean that it would not be possible to build the consented scheme without additional works. The 2015 Permission included a pre-commencement condition that only approved repair works shall be carried out on the existing farm building, and this was discharged in 2017 (reference PA/2017/1623). The additional subsequent deterioration means that the works now required are well beyond those shown in the plans from that time. As such, the works now required to convert the building are materially different and not covered by the 2015 Permission as a matter of fact and degree.

10. A new planning permission would be required if further works were to be undertaken to the pre-existing farm building to enable it to be used for residential purposes. The permitted development rights for a structure required temporarily in connection with the 2015 Permission no longer therefore apply as a matter of fact.

11. The development alleged in the notice requires planning permission, and does not benefit from either an express consent or permitted development rights. The ground (c) appeal does not therefore succeed.

Ground (a) and the deemed planning application

12. The main issues are whether the location in the open countryside is inappropriate and unsustainable, and the effect of the development on the character and appearance of the area.

13. The appellant acknowledges that the development is not an appropriate form of permanent accommodation owing to its nature, form and appearance, along with its location within the open countryside. When the appeal was submitted in July 2025 he sought a temporary permission for the period of 12 months in order to seek permission to undertake additional works to the farm building on the site.

Such temporary development would constitute part of the matters alleged in the notice and could be secured through the imposition of a temporary condition.

14. The development causes harm to the character and appearance of the area including its historic character. The design and the materials used do not match or complement the other buildings in the vicinity, and its temporary nature and urban appearance are discordant in the rural setting. It conflicts with policies RD2 of the North Lincolnshire Local Plan 2003 and CS2, CS3, CS5, CS6, CS7 and CS8 of the North Lincolnshire Core Strategy 2011 which form part of the development plan for the area. It should not therefore be granted a permanent permission.

15. 16 months have passed since the appeal was lodged and the parties have confirmed that a new application for permission relating to the existing farm building has not been submitted. Whilst an appellant is entitled to assume that they may succeed on the grounds of appeal submitted, the temporary period requested in the ground (a) appeal has already passed. The time period for compliance with the notice also runs for 9 months from the date of this decision so that the appellant will have had far in excess of the 12 months sought when making the appeal. There is no justification for granting a longer temporary permission or extending the compliance period, and it would not therefore be proportionate. Planning harm is being caused as set out above and there is no reason why this should be extended beyond the period originally sought by the appellant from the date of the appeal.

16. The National Planning Policy Framework 2026 (“the Framework”) states that a presumption in favour of development should be applied. However, as this development is outside of a settlement Policy S5 applies, and the adverse effects of granting permission, including conflict with paragraph 1 of Policy DP1 Key principles for well-designed places, substantially outweigh the benefits of doing so. This is the case here notwithstanding that the 12 month permission requested is only temporary and therefore causes less harm overall.

17. The development conflicts with the North Lincolnshire Local Plan and Core Strategy and the Framework. As there are no other consideration to outweigh this conflict the appeal under ground (a) does not succeed and the deemed planning application is refused.

Ground (f)

18. An appeal under ground (f) is on the basis that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by the breach. The purpose of the notice in this case was to remedy the breach of planning control as its seeks the removal of the building created by the shipping containers.

19. The appellant says the infrastructure had been installed as part of the implementation of the 2015 Permission. This is corroborated by a third party who states that they helped to undertake this work, some time prior to the shipping containers being brought onto the site. Any works which pre-dated the unauthorised development, and which were not undertaken to facilitate it but were merely used in association with the unauthorised development subsequently, cannot be required to be removed by this notice.

20. Requirement ii. should be varied to refer to all infrastructure that facilitated the unauthorised development. The requirements should therefore be varied in this way and the appeal on ground (f) succeeds.

Zoë Franks

INSPECTOR