

Minutes of Hawton Parish Council held in the All Saints Church, Hawton on Thursday, 15<sup>th</sup> January 2026 at 6pm

**Present:**        **Councillor T Pykett (Chair)**  
                      **Councillor D Adams**  
                      **Councillor Mrs K Adams**

**HPC25-073** Apologies for absence

Apologies for absence were received and accepted from Councillor Sutton and District Councillors Haynes & Kellas.

**HPC25-074** Declarations of Interest

There were none made.

**HPC25-075** Minutes of the Parish Council Meeting held on Thursday, 20<sup>th</sup> November 2025

The minutes of the Parish Council meeting held on 20<sup>th</sup> November 2025 were accepted as a true and correct record and signed by the Chairman.

**HPC25-076** **Public 10 Minute Session**

There were no members of the public present.

**HPC25-077** **Planning**

(a)        **25/02050/LDCE – Willow Farm, Newark Road, Hawton – Application for a Certificate of Lawful Existing Use or Development relating to the Erection of Buildings in the Form of Containers for Self-Storage**

After consideration it was AGREED that the Parish Council raise objections to the development of this land arising from the siting and use of storage/shipping containers without planning permission.

The Parish Council notes that the Planning Authority has referred, in general terms, to “case law” in correspondence. However, no specific authorities have been identified. For clarity and transparency, the Parish Council sets out below the established legal and appeal authorities which are directly relevant to this matter and which support enforcement action requiring removal of the containers.

1. Containers as Development Requiring Permission

It is well established that structures do not need to be permanent or immovable to constitute development. In *Skerritts of Nottingham Ltd v Secretary of State for the Environment* [2000] 2 PLR 102, the Court of Appeal confirmed that whether a structure is a “building” is a matter of fact and degree, assessed by reference to its size, permanence, and physical reality. The Court made clear that the ability to remove a structure does not place it outside planning control.

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These principles are routinely applied by Planning Inspectors to shipping and storage containers. Containers of this nature, by reason of their industrial form, scale, and continued siting, are commonly found to constitute operational development, requiring planning permission.

## 2. Material Change of Use of the Land

Even where it is argued that a container is not operational development in itself, the use of land for container storage may constitute a material change of use.

In *Burdle v Secretary of State for the Environment* [1972] 1 WLR 1207, the Court confirmed that material change of use is a matter of planning judgment, concerned with whether the character of the use of the land has changed in planning terms. The siting of containers for storage purposes frequently introduces a new and non-incidental use, altering the character of the land.

## 3. Lawfulness of Requiring Removal

Where an unauthorised use is facilitated by physical structures, enforcement action may properly require their removal. In *Murfitt v Secretary of State for the Environment* [1980] 40 P&CR 254, the Court confirmed that enforcement notices may lawfully require steps to remedy the whole of a breach, including removal of structures associated with the unlawful use.

In this context, containers are not incidental items; they are integral to the breach. Removal is therefore a necessary and proportionate step to restore the land to its lawful condition.

## 4. Container-Specific Enforcement Precedent

The Parish Council also draws attention to container-specific enforcement precedent. In Planning Inspectorate Appeal Ref: APP/B5480/C/17/3188724 (London Borough of Havering, 5 February 2018), an enforcement notice requiring the removal of a metal storage container was upheld. The Inspector rejected arguments that the container was temporary or movable and confirmed that removal was the only effective means of remedying the planning harm.

This decision reflects a consistent approach by the Planning Inspectorate in cases involving unauthorised containers.

## 5. Parish Council Position

In light of the above, the Parish Council considers that:

- the siting of the containers constitutes development requiring planning permission;

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- the use of the land for container storage represents an unauthorised change of use;
- the continued presence of the containers causes ongoing planning harm; and
- established case law and appeal decisions support enforcement action requiring their removal.

The Parish Council therefore objects to the development of this land and requests that the Planning Authority gives full and reasoned consideration to the above authorities when determining this matter.

**HPC25-078 Date of Next Meeting:**  
Thursday, 15<sup>th</sup> January 2026

Councillor Sutton had given his apologies in advance of the meeting.

The meeting closed at 6.10pm