

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

ISSUED BY RIBBLE VALLEY BOROUGH COUNCIL

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a), section 171A of the Town and Country Planning Act 1990, at the land described below. It is considered expedient to issue this Notice, having regard to the provisions of the development plan and all other material planning considerations.

The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

Land at 4a Wiswell Lane, Whalley, Clitheroe BB7 9AF shown edged red on the attached plan

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

- (a) Without planning permission, carried out the erection of an unauthorised dwellinghouse and decking
- (b) Without planning permission, a material change in the use of the land consisting in the unauthorised use of the building as a dwellinghouse and the use of other parts of the land for incidental purposes

4. **REASONS FOR ISSUING THIS NOTICE**

In respect to (a) above, it appears to the Council that the above breach of planning control has occurred within the last four years.

- A Planning Contravention Notice (PCN) was served on Mr John Stephen Atherton on 5 October 2022 referring the dwellinghouse as a lodge/chalet. In a reply dated 19 October 2022, Mr Atherton made the following statement in respect of the lodge/chalet:
 - the construction of the lodge/chalet had been completed in October 2021,
 - the lodge/chalet had been occupied since October 2021, and
 - the lodge/chalet was used as annex accommodation and incidental to the use of the main house.

Copies of the PCN and reply are attached.

In respect to (b) above, it appears to the Council that the above breach of planning control has occurred within the last ten years.

- The dwellinghouse by virtue of its design, external appearance, materiality and site configuration, fails to respond positively to the inherent pattern of development or character of nearby dwellings found in the vicinity, and results in significant adverse impacts upon the character and visual amenities of the area. The dwellinghouse results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy.
- The dwellinghouse is reliant on the existing access onto Wiswell Lane which is of substandard width and has limited visibility. Use of the dwellinghouse results in additional cumulative vehicular movements using the existing access and internal access track which is detrimental to the safe operation of the immediate highway. The dwellinghouse results in direct conflict with Key Statement DM12 and Policy DMG3 of the Ribble Valley Core Strategy.

5. WHAT YOU ARE REQUIRED TO DO

Remove the dwellinghouse and decking and all materials from site and restore the land to its previous condition.


6. TIME FOR COMPLIANCE

4 months from the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on*8 May*.....2025 unless an appeal is made against it beforehand.

Dated: *3 April*.....2025

Signed.....
Nicola Hopkins
Designation: Director of Economic Development and Planning
(The Council's authorised officer)

Address to which all communications should be sent:

Ribble Valley Borough Council
Development Control Department
Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

ANNEX

Ribble Valley Borough Council has issued an enforcement notice relating to land at 4A Wiswell Lane, Whalley, Clitheroe, BB7 9AF and shown edged red on the attached plan and you are served with a copy of that notice as you have an interest in the Land. Copies of notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be received by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) before the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0117 372 6372 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:
The name of the local planning authority.

- The site address.
- Your address.
- The effective date of the enforcement notice.

This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate
CST Room 3/05
Temple Quay House
2 The Square
BRISTOL BS1 6PN

Direct line: 0117 372 6372
Fax number: 0117 372 8782

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted

by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach.

- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £1156.00. You should pay the fee to Ribble Valley Borough Council.

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

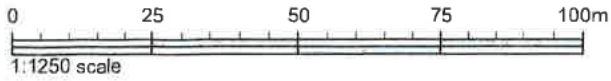
WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Persons served with a copy of this enforcement notice are as follows:

John Stephen Atherton
4a Wiswell Lane
Whalley
Clitheroe
BB7 9AF

Aldermore Bank PLC
Apex Plaza
Forbury Road
Reading
RG1 1AX



This drawing is to be read in conjunction with all relevant Architect, consultants' and specialists' drawings and specifications. The Architect is to be notified of any discrepancies before proceeding. All dimensions and levels are to be checked on site. This drawing is subject to copyright. All work carried out before Planning and Building Permission has been granted is at the contractor/client's risk.
Note: proposed drawing based on OS dwg information. All illustrated dimensions are approximate and all site dimensions are to be checked on site and subject to site survey.

- Rev A - 24.09.2024 - Building Location Amended
- Rev B - 02.10.2024 - Red Line Amended
- Rev C - 03.10.2024 - "Do not scale" removed
- Rev D - 22.10.2024 - Red Line Amended
- Rev E - 22.10.2024 - Red Line Amended



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LOCATION PLAN SCALE 1:1250

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY



Ribble Valley
Borough Council
www.ribblevalley.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 ("TCPA 1990")
PLANNING CONTRAVENTION NOTICE

Served by: The Ribble Valley Borough Council ("**the Council**").

To: Mr John Stephen Atherton of 4a Wiswell Lane, Whalley, Clitheroe, BB7 9AF and Aldermore Bank plc (co. regn. no. 947662) of Apex Plaza, Forbury Road, Reading, RG1 1AX

1. PLANNING CONTRAVENTION NOTICE

This is a formal notice served by the Council because it appears that there may have been a breach of planning control, within section 171A (1) of the TCPA 1990, at the land described below. It is served on you as person's who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations, in, on, over, or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3) of the TCPA 1990, so far as you are able, to provide certain information about interest in, and activities on, the land.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at 4a Wiswell Lane, Whalley, Clitheroe, Lancashire, BB7 9AF shown edged red on the attached plan ("**the Land**").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

The Council considers that there may have been a breach of planning control in respect of the Land in that, without planning permission a single storey building, described as a chalet or a lodge, has been erected on the land in the approximate position shown on the attached plan.

4. WHAT YOU ARE REQUIRED TO DO

You must provide, in writing, information in response to the following questions, so far as you are able to answer them.

- 4.1 What is your interest in the Land?
- 4.2 When did you purchase/acquire the Land?
- 4.3 Does any other person have any interest in the Land
- 4.4 If the answer is "Yes" to question 4.3, what are the name(s) and normal address(es) or registered office of any person or company known to you, who has an interest in the Land?
- 4.5 Have you conducted any engineering works and or development on the Land?
- 4.6 If the answer is "Yes" to 4.5, what engineering works and or development have you carried out on the Land, and when were such works or development carried out?
- 4.7 Did you seek any type of permission to carry out any works or development on the Land?
- 4.8 If the answer is "Yes" to question 4.7 who gave such permission to carry out development and what sort of permission was obtained for the Land?
- 4.9 Have you constructed or erected a lodge/chalet on the land in the approximate position shown on the attached plan?
- 4.10 If the answer to question 4.9 is "Yes" please advise whether planning permission has been granted by the Council for the erection of the lodge/chalet on the land and, if so, identify the planning reference number for such permissions; if planning permission has not been granted, please explain the basis upon which it is contended that permission from the council is not required or that some other form of permission is applicable in this case.?
- 4.11 If the answer to 4.9 is "Yes", please state the overall outside dimensions and use of the lodge/chalet.
- 4.12 If the answer to 4.9 is "Yes", please state the number of rooms in the lodge/chalet, and the use and internal dimensions of each room.
- 4.13 If the answer to 4.12 is that one or more such rooms are bedrooms, please state the name and age of each person who sleeps in such rooms(s), when they commenced such occupation, and the average number of days in each week when they use such room(s) for sleeping.
- 4.14 If the answer to 4.9 is "Yes", please state whether any person has resided in the lodge/chalet and no longer does so, providing details of their name and age.

- 4.15 If the answer to 4.9 is "Yes", for the avoidance of doubt, state whether anyone uses the lodge/chalet as their principal residence, and, if so, please provide their full name(s) and age(s).
- 4.16 If the answer to 4.9 is "Yes", please state the date of commencement and completion of the construction or erection of the lodge/chalet, and the identity of the person(s) or company who carried out such construction or erection.
- 4.17 If the answer to 4.9 is "Yes", and the erection or construction consisted of assembling a number of sections, please state how many sections were involved in the assembly, including any decking.
- 4.18 If the answer to 4.9 is "Yes", please state how the lodge/chalet is fixed to the ground.
- 4.19 If the answer to 4.9 is "Yes", please state whether any utilities are connected to the lodge/chalet, and for each such utility state the type of utility, the name of the supplier, the date of connection, and the billing address and payer for the relevant bills.
- 4.20 If the answer to 4.9 is "Yes", please state whether the lodge/chalet has been relocated within the land on any occasion(s) and, if so the date of movement to and from any location, and where on the land the lodge/chalet was moved from and to. Please state the name and age of each occupier of 4a Wiswell Lane, Whalley, Clitheroe, BB7 9AF, and the date upon which they commenced such occupation.
- 4.21 If the answer to 4.9 is "Yes", please state the nature and size of any equipment or plant used in the erection, construction, and relocation of the lodge/chalet.
- 4.22 If the answer to 4.9 is "Yes", please state whether the lodge/chalet was initially transported to the land in assembled form, or in kit form, and the means of transport used to bring the assembled lodge/chalet or kit/materials on to the land.
- 4.23 If the answer to 4.22 is "in kit form", by whom was the lodge/chalet assembled and when?
- 4.24 **In addition, please provide any further information you may have, which hasn't been included in your answers above, about:**
- a. **the operations being carried out on the Land, the use of the Land and any other activities being carried out on the Land; and**
 - b. **any matter relating to the conditions or limitations subject to which any planning permission in respect of the Land has been granted.**

All of the above **information must be provided within twenty-one days**, beginning with the day on which this notice is served on you.

5. **WARNING**

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence.

It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.

6. **ADDITIONAL INFORMATION**

If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the TCPA 1990, requiring the breach, or any injury to amenity caused by it, to be remedied.

If the Council serve a stop notice, under section 183 of the TCPA 1990, section 186(5)(b) of the TCPA 1990 provides that should you otherwise become entitled to compensation for loss or damage attributable to that notice, under section 186 of the TCPA 1990, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Dated: 05th October 2022

7.

Signed: 

Nicola Hopkins, Director of Planning and Economic Development

On behalf of: Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, BB7 2RA

19th October 2022

Mr. S Maggs
Enforcement Officer
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
BB7 2RA

Dear Mr. Maggs,

Re: Land at 4a Wiswell Lane, Whalley BB7 9AF

Thank you for your letter dated 5th October 2022, enclosing the Planning Contravention Notice concerning the above property.

In response to the questions raised, I now address them as per your numbered paragraphs:

- 4.1:** Owner.
- 4.2:** 2007.
- 4.3:** No.
- 4.4:** N/A.
- 4.5:** No. It is neither operational development (as defined by Section 55(1) of The Town & Country Planning Act, 1990) nor a material change of use of land, requiring planning permission (as clarified by Section 52 (2, d) of the same Act.
- 4.6:** N/A.
- 4.7:** No.
- 4.8:** N/A.
- 4.9:** Yes.
- 4.10:** The construction and occupation of the chalet is in accordance with the regulations and definition of a mobile home, as defined by Section 13 of The Caravan Sites Act, 1968 and Schedule I of The Caravan Sites and Development Act, 1960.
- 4.11:** The overall outside dimensions of the chalet are:
Length – 20.0m;
Width – 6.8m;
Overall height – 3.05m, measured from the floor at the lowest level to the ceiling at the highest point.
- 4.12:** The chalet comprises:
- | | |
|------------------------|-------------|
| Kitchen / living area: | 6.2m x 5.2m |
| Hallway: | 3.8m x 2.4m |
| Bathroom: | 2.9m x 2.4m |
| Office: | 2.6m x 2.4m |
| Bedroom 1: | 7.1m x 2.7m |
| Bedroom 2: | 4.1m x 2.3m |
- 4.13:** Bedroom 1: John Atherton (aged 57) – most nights.
Bedroom 2: Visiting family members: Mollie Atherton (aged 29) and Megan Atherton (aged 28).

Occupied since October 2021.

- 4.14:** N/A.
- 4.15:** Used as annex accommodation to the main residence by John Atherton (aged 57) and other family members (as above), plus James Atherton (aged 26) and his fiancée Katie Gaffing (aged 25) – the latter two usually sleep in the main residence, but use the annexe as and when they have guests.
- 4.16:** Commencement date: March 2020.
Completion date: October 2021.
The chalet was constructed by myself and a friend, Ken Norris.
- 4.17:** The chalet is constructed in two sections, is divisible into two and is assembled by means of bolts in compliance with the twin-unit construction, as defined by The Caravan Act, 1968. Two metres of decking were added on completion of the structure.
- 4.18:** It rests on concrete plinths.
- 4.19:** Mains electricity, water and sewage are connected via the main residence. Electricity is supplied by North-West Electricity and other services via Utility Warehouse. The bill payer is myself, John Atherton of 4a Wiswell Lane, Whalley BB7 9AF (the main residence). The date of connection was approximately 2007.
- 4.20:** There have been no relocations of the chalet. The occupiers of the property are as above – it has been the family home since 2007.
- 4.21:** A mini digger was used for ground preparation; other than that, there was no plant or machinery used.
- 4.22:** The chalet was assembled and constructed on site by hand. Timber was brought on site by the timber supplier's lorry.
- 4.23:** N/A.
- 4.24:** The land is used as garden land for all the occupiers of 4a Wiswell Lane. The two structures are used jointly by family members and the chalet is incidental to the use of the main house (shared meals etc).

I have tried to answer all questions as fully as possible. Please let me know if you need further information on any point.

Yours faithfully,

John Atherton