

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE - (OPERATIONAL DEVELOPMENT)

TO: Shaun Tracy Collier and Inge Dairina Sapta Putri Collier of
Lynwood
Pendleton Road
Wiswell
Clitheroe
BB7 9BZ

ISSUED BY RIBBLE VALLEY BOROUGH COUNCIL ("the 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 Lynwood, Pendleton Road, Wiswell, Clitheroe BB7 9BZ shown edged red on the attached plan

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

Without planning permission:

- The construction of concrete hardstanding's on the land and siting of two static caravans/lodges on said hardstanding's.
- Engineering operations to an existing culvert on the land
- The installation of fencing along the western boundary of the land which exceeds two metres in height and
- The construction of a raised patio area which does not conform to planning consent 3/2022/0247 as per the amended plan submitted on 12th May 2022 under Drawing No 2244-05 Rev B, of which a copy is attached.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years.

1. The static Caravans/Lodges and the hardstanding's on which they are situated represent a visually incongruous anomalous and discordant appearance which are significantly detrimental to the character and amenities of the area, which is in direct conflict with aims and objectives of policies DMG1, DMG2 and DMB 3 of the Ribble Valley Core Strategy 2008 – 2028.
2. It is not clear whether the works to the culvert have altered the water flows or impacted on drainage within the area. The engineering operations to the culvert do not have the benefit of planning permission.
3. The boundary fencing as erected, does not have the benefit of planning permission and exceeds the permitted development height. The fence as erected represents a visually incongruous, anomalous and discordant appearance which is significantly detrimental to the character and amenities of the area, which is in direct conflict with the aims and objectives of policies DMG1, DMG2 and DMB3 of the Ribble Vally Core Strategy 2008 – 2028.
4. The patio area as constructed does not have the benefit of planning permission as it does not accord with the scheme as approved. The raised patio as constructed represents a visually incongruous, anomalous and discordant appearance which is significantly detrimental to the character and amenities of the area, which is in direct conflict with aims and objectives of policies DMG1, DMG2 and DMB3 of the Ribble Valley Core Strategy 2008 – 2028.

5. WHAT YOU ARE REQUIRED TO DO

- a) Remove the two static caravans/lodges and hardstanding's upon which they stand and return the land to garden land.
- b) Reinstate the existing culvert on the land.
- c) Reduce the height of the fencing to the western boundary of the land to a height of two metres.
- d) Remove the portion of raised patio area on the land, which does not benefit from planning consent.

6. TIME FOR COMPLIANCE

In respect of 5(a) and 5(c): Twelve weeks from the date this Notice takes effect.

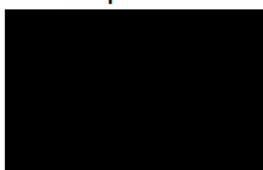
In respect of 5(b) and 5(d): Twenty weeks from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the 16th of May 2025 unless an appeal is made against it beforehand.

Dated: 16th of April 2025

Signed



Nicola Hopkins

Designation: Director of Economic Development and Planning

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 Lynwood, Pendleton Road, Wiswell, Clitheroe BB7 9BZ 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.

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 £524.00 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:

CLYDESDALE BANK PLC (Scot.Co. Regn. No. SC001111) of Mortgage Services, P.O. Box 3105, Clydebank, Glasgow G60 9AU.

Fleximize Capital Limited (Co. Regn. No. 09485920) of Holbrook House, 51 John Street, Ipswich, IP3 OAH.