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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 174

APPEAL AGAINST ENFORCEMENT NOTICE (DATED 16 APRIL 2025)

LYNWOOD, PENDLETON ROAD , WISWELL, CLITHEROE BB7 9BZ

GROUNDS OF APPEAL

15 May 2025



1. Introduction

1.1 Following the issuance of an Enforcement Notice by Ribble Valley Borough Council ('the LPA') relating to the above site on 15th April 2025, PWA Planning has been appointed by Mr. Shaun Collier to lodge an appeal under grounds (a), (b), (c), (f) and (g)¹. The Enforcement Notice alleges:

(a) The construction of concrete hardstanding's on the land and siting of two static caravan/lodges on said hardstanding's

(b) Engineering operations to an existing culvert on the land

(c) The installation of fencing along the western boundary of the land which exceeds two metres in height and

(d) 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.

1.2 The Appellant (Mr Shaun Collier) intends to expand substantially on these Grounds at the six-week stage within a detailed Statement of Case. However, an overview of each is provided below.

1.3 It is submitted that the appropriate order for consideration is grounds (b), (c), (a), (f) and (g).

1.4 **Appeal under Ground (b) – that the breach of planning control alleged in the enforcement notice has not occurred;**

1.5 Evidence will be presented that no engineering works have been undertaken in relation to an existing culvert on the land.

1.6 **Appeal under Ground (c) - that the alleged breach of planning control does not in fact require planning permission;**

1.7 Evidence will be presented that the hardstanding and static buildings either do not constitute development, or are permitted development. Evidence will also be presented that any drainage works are also permitted development, and heights of remaining onsite fencing is no higher than 2m.

¹ ss.174(2)(c), (d) and (g) of the TCPA 1990.



- 1.8 **Appeal Under Ground (a) - that planning permission ought to be granted for the development (or if the enforcement notice relates to the breach of a condition on a planning permission, that condition should be removed from the permission);**
- 1.9 It will be argued that planning permission should be granted for the altered raised patio area.
- 1.10 It will also be presented that should the inspector consider the items presented under grounds (b) and (c) require planning permission, then planning permission should be granted.
- 1.11 **Appeal Under Ground (f) - that the steps for compliance required by the notice are excessive;**
- 1.12 It will be presented that under the requirements of part A of Section 5 of the enforcement notice, the land is still garden land and does not need returning as such. In relation to part B, there is no culvert to reinstate. In terms of part C, no part of the fencing is above 2m.
- 1.13 **Appeal Under Ground (g) - that the period for compliance with the notice is too short;**
- 1.14 It will be explained, and will become apparent from the appeal submission that much longer time is required. A legal case is currently being progressed against the council due to drainage matters that have consequently impact on the existing property at the site. Until this is resolved, financial constraint will limit what can be done with the site.
- 1.15 On the above basis, a case will be presented that invites the Inspector to allow the appeal and quash the Enforcement Notice.

Dan Hughes MRTPI

Planning Director