

Enforcement Notice Appeal Statement

Ref: 22252

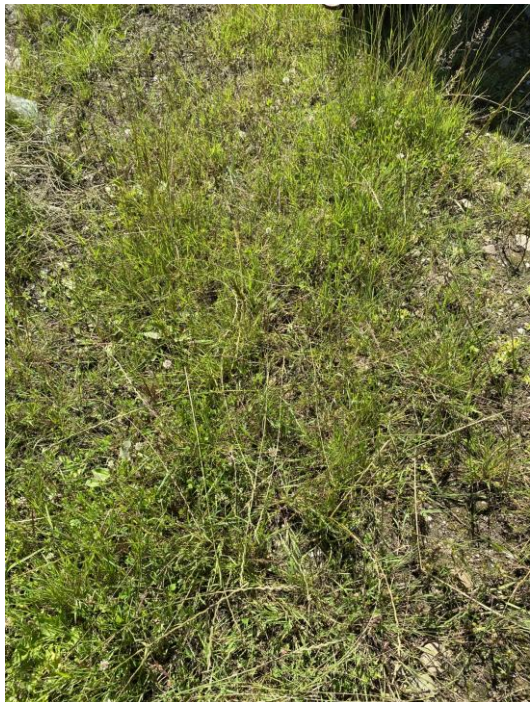
Alleged breach of planning control re. outbuilding on land at Lower Hud Lee Farm, Longridge Road, Hurst Green, Clitheroe, BB7 9QP.

This appeal is submitted under section 174(2) of the Town and Country Planning Act 1990 against the enforcement notice issued by the local planning authority. The grounds of appeal are (b), (c), (f) and (g).

Ground (b) – The Alleged Breach Has Not Occurred as Stated

The enforcement notice contains factual inaccuracies:

- No hard standing has been created at the site, despite this being alleged in the enforcement notice. The so-called hard standing area is a cobbled area. The date when the cobbles were put down is unknown but estimated to be in 1800's. I don't know where the alleged hard standing area is. The photos below show (left) the alleged hard standing and (right) a close up of the cobbles.



- The overall height of the building has not increased. In fact, the height has been reduced by lowering the rear wall and changing the roof design from mono-pitch to a dual-pitch roof. This design reduces the height of the wall next to the neighboring property, reducing the impact of the building. The repair work has reduced the height of the building by 0.5m from 4.1m to 3.6m.

- Footings were not part of any (alleged) extension but installed beneath the existing structural walls to ensure the building's stability. Some of the footing were also installed using an underpinning technique.
- The overall footprint of the building is not believed to have increased. The internal area of the building remains at approximately 60m².

This evidence highlights that the enforcement notice misrepresents the scope and nature of the development, and as such should be quashed under Ground (b).

Ground (c) – No Breach of Planning Control

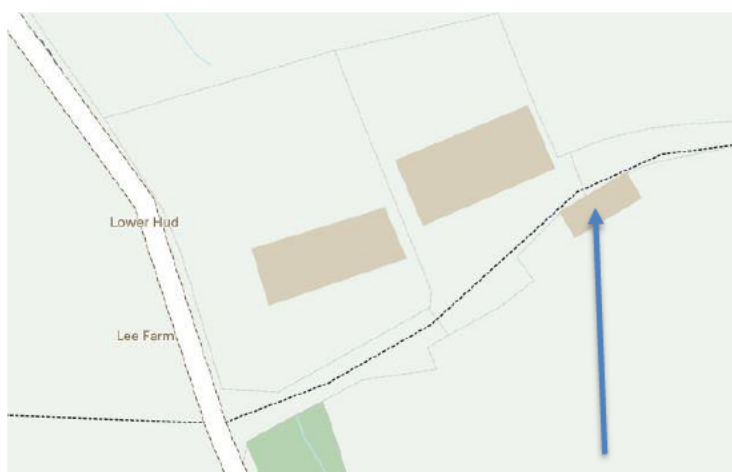
The development undertaken does not constitute a breach of planning control:

- The building is an agricultural structure, and the works carried out fall within the scope of permitted development rights under Part 6, Schedule 2 of the GPDO 2015. As shown in the photos below, the building has been used to gather livestock.



- As previously stated, the footprint of the building is not believed to have increased. The walls were repaired to ensure the structural integrity of the building. The roof design was altered primarily to improve water runoff and building integrity, and does not materially affect the external impact or function of the structure. These repairs also reduced the overall height of the building by 0.5m, further reducing the impact of the building on the neighboring properties .
- The footings were a safety measure as the existing boundary wall of the building runs alongside a footpath. The photo and map below highlight that the footpath runs right behind the rear wall. The wall needs to be able to support its own weight as well and

any forces applied from the inside as a result of the agricultural activities. Therefore, these repairs were essential to ensure the safety of the footpath users.



The works were carried out to:

- Ensure that the building was safe to be used for agricultural purposes.
- Avoid any potential risks to public safety from an unstable structure.
- Minimise disruption to neighbours and maintain a visually appropriate and building.
- Minimise the visual impact on the landscape and match with surrounding buildings.

These considerations demonstrate that the repairs work was reasonable, safety-led, and not a breach of planning control.

Ground (f) – The steps required exceed what is necessary

The steps required by the enforcement notice are excessive and unnecessary to remedy the alleged breach of planning control.

- As shown in the photos below, the building was previously structurally unsafe and in a poor condition. Considering its' position alongside a public footpath, this raised potentially serious safety concerns.
- The current structure is significantly safer and visually more appropriate. Reverting the building to its former unsafe state would not only be illogical, but could also endanger members of the public using the nearby footpath.
- The previous building was run down, visually depleted, and out of keeping with the area. The new structure blends more harmoniously with surrounding buildings, improving visual amenity.
- If the building was to be put back to the state the planning department have asked it would be unsafe. It would not be reasonable or logical to put a building back to a unsafe condition, that would directly contradict the highways act 1980 and the occupier liability act 1957.
- Requiring full reversal of the improvements would contradict the aims of local development policies, including DMG1 and DMG2, which support development that is safe, sustainable, and sensitive to its surroundings.



The photos provided show that the repaired building remains the same size. However, instead of using red brick, which previously made up approximately 50% of the structure, natural stone was used during the repair work to ensure that the building visually matched with neighboring properties and that the rural character of the area was not compromised.

One of the original middle windows was converted into a doorway to facilitate safer and more efficient loading of animals into trailers. This adjustment was necessary because animals are significantly easier to handle when moved in daylight and through wider, more accessible entry points.

A more proportionate approach would be to allow the building to remain in its more secure form to ensure the safety of not only myself but the walkers using the footpath that runs along the back wall.

Ground (g) – More Time to Comply (Optional)

If the appeal is not upheld in full, more time is requested to comply with the notice. The current timescale is unreasonably short considering:

- The complexity of reversing structural changes safety (the building is in very close proximity to a footpath).
- The potential need to explore alternative lawful solutions.
- The building's proximity to public areas and neighbours.
- Clarity needed about expected work from enforcement office.

A compliance period of at least six months is respectfully requested to allow for safe, measured action, should it become necessary.

Summary

This appeal is made under grounds (b), (c), (f) and (g).

All works have been carried out with:

- Public safety in mind (adjacent footpath).
- Consideration for the neighbours' amenity.
- Intention to repair and secure an existing agricultural building would have fallen under permitted development rights if required (not needed). All work done to safeguard the agriculture production of food in the surrounding land. This is the only agricultural building that I own.
- Alleged conflict with DMG1: The repair work was completed to a high agricultural standard, which protects and improves the neighbours' views. The building also matches other nearby properties.
- Alleged conflict with DMG2: The building is located within an active block of agriculture land. Neighboring land has recently had planning permission granted by RVBP for an agriculture building over 10 times the size. One neighbour has a wooden agricultural building on their land without planning permission. (The enforcement office has been informed, awaiting response). Another neighbour recently had planning permission granted for a large agricultural building. These neighbours have no land or animals, so no need for the building, yet planning permission was granted.
- Alleged conflict with DM3: The building has been stood in same place since before 1960. No more traffic, it is a working building the same as it always has been, which is a very low intensity.

Supporting statement

I am writing in support of my appeal against the enforcement notice issued by Ribble Valley Borough Council (RVBC) in relation to an agricultural building on my land. I wish to clarify the background, outline my use and need for the building, and raise concerns about how this matter has been handled.

Background and use of the building

The building has historically and consistently been used for agricultural purposes. Following repair works carried out in September 2023, I continued using the building to support my farming operations. This includes the storage of hay, farm machinery, and the occasional housing of livestock. At no point has the building been used for residential purposes. The building was built prior to 1968 and has been used within agriculture since then.

Planning permission

Following completion of repair works to the building, I continued to use it for agricultural purposes, in line with its longstanding function on the holding. The building has been used for typical agricultural activities, including the storage of hay and farm machinery, and at times for sheltering livestock.

During this time, some neighbours suggested that the building might be better suited for residential use. In an effort to be cooperative and to demonstrate that I was willing to consider alternative suggestions, I agreed to explore the possibility of converting the building and submitted a planning application to Ribble Valley Borough Council in the autumn of 2024.

However, while the application was being considered, it became apparent that the building remained necessary for my ongoing agricultural operations. Recognising this, I took the decision to withdraw the application and have since continued to use the building for agricultural purposes only.

The planning application was therefore not submitted because I intended to change the use of the building, but rather as a gesture of goodwill in response to community feedback. At no point was the building used for residential purposes, nor was there any intention to act outside of the lawful agricultural use.

Opening

During a site visit (after the enforcement notice was issued), the enforcement officer raised concerns regarding changes to the windows and the new opening. It is important to note that the current layout includes one fewer window than previously existed, and the overall area of openings has been reduced in size. The original large access point was located at the rear of the building, which proved impractical for loading livestock and presented safety concerns, particularly for members of the public using the nearby footpath.

In fact, failing to take reasonably practicable measures to protect public safety in such situations has resulted in legal action against other farmers in recent years:

- Brian Godwin (Wiltshire, 2021) was prosecuted and given a suspended prison sentence for failing to fence cattle off from a public footpath, resulting in a fatal trampling incident.
- Christopher Sharpe (West Yorkshire, 2020) received a suspended sentence after a walker died when attacked by cattle on a right of way.
- John Hallett (Devon, 2022) was fined for injuries caused by a cow charging a dog walker.

Courts have consistently upheld that under Section 3(2) of the Health and Safety at Work etc. Act 1974, self-employed persons (such as farmers) have a legal duty to ensure that members of the public are not exposed to risk from their operations, including livestock management.

Additionally, under the Occupiers' Liability Act 1957, I am legally obligated as the landowner to take reasonable care to ensure that visitors are safe while using my land. The Animals Act 1971 also imposes liability where known dangerous characteristics of animals, such as protective behavior by cows with calves, pose a foreseeable risk to the public.

The changes I have implemented, including the revised access point and reduced opening size, were carried out specifically to address these legal obligations and protect public safety. I was not initially aware of the full extent of the risk to footpath users. However, once these risks were brought to my attention, I acted immediately to make the necessary adjustments. I believe these changes are both reasonable and proportionate in line with government guidance and legal precedent.

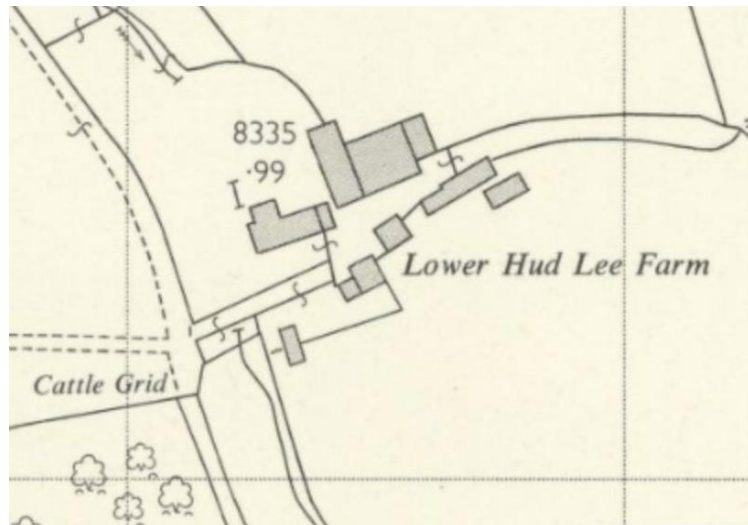
To mitigate any remaining risks, I have also introduced appropriate signage and I am reviewing additional fencing or segregation options in accordance with HSE best practice. These measures align with the principle of taking all reasonably practicable steps to reduce risk.

I respectfully submit that these modifications were not only appropriate but legally necessary, and I ask that this context be considered in support of my appeal.

Essential Agricultural Need

I understand that one of the planning department's reasons for enforcement is the belief that I do not require this building, based on assumptions that I have access to other buildings nearby. This is incorrect. They point out land nearby that I could use. This land/building is not owned by me and since makes the reasoning behind the planning departments reasoning very questionable.

I am 29 years old and used all of my savings to purchase this land, my first farmland that I own myself (the rest of my land is rented with no buildings). The building in question is the only agricultural structure I own. It is essential for my operations and is actively used in connection with the land. The site referred to by the planning department is not, and has never been, in my ownership. Again this shows the lack of research, searches or communication by the planning department for this application.



The map above which was published in 1968 shows the that where always has always been a need for agriculture build in this location. Moreover the other building have since been removed, which this building in question the only one left. Increasing the important of this building for the agriculture block of land around it.

Concerns Regarding Communication and Procedure

The first direct contact I received from RVBC was a letter in March 2025. I responded promptly, providing all available information. I was therefore surprised and disappointed to receive an enforcement notice shortly thereafter, without any attempt at constructive dialogue or resolution.

Following the notice, I contacted the enforcement officer, who informed me that he had discussed the matter previously with my father. I explained that I have been the legal owner of the land since July 2023 and should have been contacted directly. The officer placed the responsibility on my father for not passing the message on. [REDACTED]

[REDACTED] It was entirely unreasonable to expect him to relay or manage planning matters under those circumstances, and future more my father didn't have any interest in the land so why they would be discussing matters with him in the first place is very strange.

Furthermore, I did not receive any phone calls from the officer, and although an email was eventually found in my inbox, it had gone unnoticed at the time (Jan 2025). I have since explained that email is not a reliable form of communication unless it is acknowledged, particularly in the context of important planning matters.

I am also concerned that RVBC appears not to have undertaken proper checks into land ownership. It seems third-party claims, including from a neighbour with whom I am currently in a boundary dispute, were accepted without verification. This has contributed significantly to the confusion surrounding this case.

Conclusion

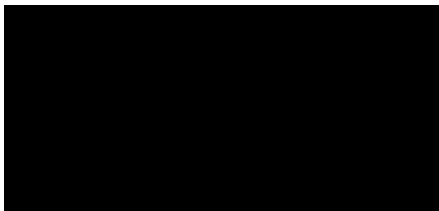
To summarise:

- The building has always been and continues to be used for genuine agricultural purposes.
- The building was in need of repair which I'm legally bound to do under the occupier's liability act 1957, which I've complied with.
- The planning application submitted in 2024 was in response to neighbours suggestions and was voluntarily withdrawn when my own agricultural need was reaffirmed.
- I own no other agricultural buildings, and this structure is essential to my farming activities.
- The enforcement action has been based on incorrect assumptions about ownership and building use, and was issued without adequate engagement or verification.
- The enforcement officer wrongly relied on communication with a third party (my father) who was, at the time, seriously ill and in hospital, rather than contacting me as the legal owner.

Given the above, I do not believe I was given a fair opportunity to engage with the planning process or to address any concerns prior to the enforcement action. I respectfully request that the enforcement notice be withdrawn given all the points I've raised within this appeal and that the lawful agricultural use of the building be acknowledged.

Kind regards

Mr Alan Holt



16th July 2025