

Grounds of appeal in response to an enforcement notice relating to land at 2 Northcote Park Blackburn BB6 8FB issued by Ribble Valley Borough Council dated 9 October 2025 ['EN'] that would otherwise have come into effect on 10 November 2025

The grounds of appeal are a) f) c) and g)

Ground c) – the development is lawful

The development was carried out pursuant to Class E to Schedule 2 of Part 1 of GPDO 2015 as amended, given its use will be incidental¹, its 'height' where ground levels are not uniform (as here) measured from the highest ground next to the building before the development began complies with all legal requirements.

Grounds a) & f) – permission should be given and the EN steps are excessive

a)

The EN reasoning commences with failure to comply with approved plans, but this in itself is not relevant, because the true test is whether the development is harmful in planning terms. The council had approved a detached outbuilding that was higher, though shorter.

Whilst that constructed is longer than approved it is lower, significantly so for over half its length, so it is not incongruous nor unsympathetic. It is subordinate to the main house. Its overall style is little different to that approved which was found to positively respond to its immediate context as it remains visually screened from the public realm by the detached double garage.

The allegations that it “visually competes with the host dwelling” and “reduces incidental appearance” causing significant harm to the areas spatial qualities, are not well founded given [1] what was approved was higher [2] what can be erected pursuant to permitted development would be even larger and higher (a matter which can be afforded considerable weight as a ‘fall back’) and [3] it does not compete as a matter of fact and degree. As to “incidental appearance” this vague unsubstantiated assertion stems from the officer claim made in the application process. The house is two storeys with pitched roof plus pitched roof double garage. Whereas the enforced building is one storey with essentially flat roofs, set down via excavated ground, lower than approved. Below is an image taken from the back garden of next door (No 10) demonstrating the visual impact is slight (it is hidden behind the rear black fence).

¹ golf simulator and exercise/studio/gym



Consequently, to demand the building be altered so it is higher in relation to its setting than erected, is disproportionate and unreasonable. As for ground works, this too is excessive/disproportionate because levelling of garden is common practice to make efficient use of curtilage land. Such compliance steps would be immediately undone by the exercise of a variety of permitted rights that will revive upon compliance with the EN e.g. a swimming pool, patio, games court (all need level ground) or pond, if not a fall back larger, higher outbuilding (if slightly set back to 2m from boundaries it can be 4m high).

It is noted the LPA ignored the fact that the incidental use intended by the appellant needed a larger floorspace than approved (as originally submitted in application 3/2025/0288). The EN thus requires an inadequate higher structure and pointless ground works, which is considered unreasonable.

Ground g) – insufficient time to comply

Three months is inadequate to carry out alterations, plus groundworks, as more time is needed to amend development that contains complex electrics for the golf simulator, raise the roof height, than just demolish. Six months would be reasonable.