



RTPI

mediation of space · making of place

Statement of Case

Enforcement Notice

Appeal

on behalf of

Mrs S Hines

Change Gym

Unit 12 Baublock

Blackburn Road

Simonstone

BB12 7FS

December 2025

Kirkwells

The Planning People

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1. Introduction

- 1.1 My name is Claire Bradley. I am a town planner with thirty-five years' experience in town planning in both local government and the private sector.
- 1.2 I am currently a Director with Kirkwells, an independent planning consultancy, providing advice and support to clients in the public and private sector.
- 1.3 This document sets out Mrs Sinead Hines' case in relation to service of an Enforcement Notice at Unit 12, Baublock Blackburn Road, Simonstone, BB12 7FS.

2. The Appeal Site and the development

- 2.1 The appeal site is Unit 12 of a larger industrial site consisting of 17 Units located off Blackburn Road, Simonstone and lies adjacent to Time Technology Park in a predominantly industrial area. However, there are some dwellings in the vicinity the nearest being on the opposite side of Blackburn Road.
- 2.2 Planning Permission was granted in 2018 for the construction of the units where the appellant is located and the development is substantially complete and some units appear to be occupied.
- 2.3 Unit 12 which is the subject of the appeal is a small unit of 144 sq metres located to the northernmost part of the site behind it is an embankment and trees and then several agricultural fields before the A671 Whalley Road. It is located 190 metres away from the nearest property which lies to the south.
- 2.3 Change Gym does not operate as a traditional gym where it is open the public and or private members at all times. Change is a personal fitness centre providing benefits to people of the area and is an asset. The benefits to local people include safe access to sport, management of obesity and reduction of risk from obesity related issues and appropriately implemented exercise supporting stress management and general physical and psychological wellbeing in both individuals and businesses.
- 2.4 These benefits are essential for a strong economy, reducing the stress on the healthcare system, and improving performance in work and life.
- 2.5 The business is not operated as a conventional gym but is an appointment only facility, operating on a one to one basis i.e. 1 client to 1 personal instructor or groups of up to 6 individuals training together

with a personal instructor. It may be that it does not clearly fall within the D2 use class. Most clients' park at for a maximum of 1 hour at a time.

2.6 The peak periods for the business are 6-7am and after 6pm. During the daytime, there is a maximum of 3/4 people on site including clients at any one time, however, during the peak periods identified there may be more people on site. At the peak times, the surrounding businesses are closed, with the parking facilities in front of the other units being available for use.

2.7 A number of the appellants clients are local business operators from the immediate vicinity and utilise the services during lunch time.

3. Planning History

3.1 The planning history for the application site is as follows:

3/2017/0284 - Proposed Business Park comprising 18 industrial units for B8 (storage and distribution) and B1 (offices and light industry) uses (resubmission of application 3/2015/0906) – Approved subject to legal agreement - 9.7.2018

3/2018/0818 - Application for the discharge of condition 3 (materials), 27 (Foul and surface water), 28 (surface water drainage scheme), 29 (sustainable drainage management and maintenance plan), 30 (details of the design and implementation of surface water sustainable drainage scheme), 31 (completion of a sustainable drainage scheme in accordance with the submitted details) and 32 (details of an appropriate management and maintenance plan for the sustainable drainage system) from planning permission 3/2017/0284.

3/2019/0821 - Application for the variation of condition 2 (development shall be carried out in accordance with proposals), 3 (materials), 14 (existing access), 15 (scheme for the construction of the site access and the off-site works of highway improvement), 16 (joint survey between the developer and the planning authority), 17 (Traffic Management Plan), 20 (cycle path), 21 (new estate road/access), 22 (landscaping scheme), 26 (provisions for building dependent species of conservation concern, artificial bird nesting boxes / artificial bat roosting sites), 28 (surface water drainage scheme), 29 (sustainable drainage management and maintenance plan), 30 (design, based on sustainable drainage principles and a surface water sustainable drainage scheme) and 32 (management and maintenance plan for the sustainable drainage system) from planning permission 3/2017/0284. – Approved

3/2020/0032 - Discharge of condition 6 (external lighting) from planning permission 3/2017/0284.

3/2020/0211 - Discharge of conditions 3 (Noise), 4 (Lighting), 12 (Highways), 13 (Cycling), 16 (Landscaping), 20 (Conservation) and 22 (Drainage) from planning permission 3/2019/0821.

3/2022/0109 - Variation of Condition 6 (hours of operation) from planning permission 3/2019/0821 for Unit 12 only to Monday to Saturday 06.00 to 22.00 Sundays 07.00 to 17.00. - Approved

4. Statement of Case

4.1 This statement is prepared in accordance with Section 174 of the Town and Country Planning Act 1990.

4.2 The appeal is prepared on the following grounds:

(a) that planning permission should be granted for what is alleged in the notice;

(f) that 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 any such breach;

Ground (a): That planning permission should be granted for what is alleged in the notice;

4.3 The enforcement notice states that a condition was attached to Planning Approval 3/2019/0821 which restricted the use of the units approved to Use Classes B1 and B8. Use Class B8 is now Class E (g)

4.4 The Council state that Condition10 which restricts the unit to B1 and E(g) has not been complied with as Class E (d) does not fall within the permitted uses

4.5 The Enforcement Notice states the reasons for issuing the notice are as follows:

The breach of planning control has resulted in the loss of an employment unit on an allocated employment site without sufficient justification, contrary to Policy EAL of the Ribble Valley Housing and Economic Development DPD and Policy DMB1 of the Ribble Valley Core Strategy 2008- 2028. Furthermore, the breach would allow a main town centre use outside of a town centre or edge of centre location without sufficient justification, contrary to Section 7 of the National Planning Policy Framework.

The breach of planning control has resulted in an unacceptable and unsympathetic use in this location, by virtue of the inadequate parking provision to adequately accommodate the parking requirements associated with the gym, resulting in a detrimental impact on amenity for neighbouring uses and an unacceptable impact on highway and pedestrian safety for users of the development and neighbouring uses, contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008- 2028.

- 4.6 Policies EAL of the Ribble Valley Housing and Economic Development DPD and Policy DMB1 of the Ribble Valley Core Strategy 2008- 2028 are included at Appendix 1
- 4.7 The applicant was looking for sites to open up her business in the aftermath of the Covid-19 pandemic, which was a different economic climate to that of today.
- 4.8 In early 2021 she viewed a number of properties across different areas, including Whalley, Barrowford and Padiham centres. There was very few properties that were available in town or local centres and none were suitable in terms of layout for the machines required, and her search widened to areas that were easy to access for clients using the facilities.
- 4.9 Prior to signing for the unit, in April 2025, when the appellant had viewed the property, she contacted the Council who advised her that planning permission was not required. She would not have signed for the unit if she had know she had to apply for planning permission. The Email chain is included at Appendix 2.
- 4.10 At the time she did not keep a list of the exact properties and the business has now been operating at the site to which the Enforcement Notice relates for 4 years.
- 4.11 Due to the size of the units in the development, the majority of them are used by sole traders or as small storage units resulting in limited employment having been created. The appellant employs 3 people in a unit of 144 sq metres which

results in more employees per square metre than the majority of the surrounding units.

- 4.12 The business is not operated as a conventional gym but is an appointment only facility, operating on a one to one basis i.e. 1 client to 1 personal instructor or groups of up to 6 individuals training together with a personal instructor. It may be that it does not clearly fall within the D2 use class. Most clients' park at for a maximum of 1 hour at a time.
- 4.13 A number of the surrounding businesses utilise the facility at lunch times for a break from work.
- 4.14 It is difficult to understand how the development as it operates has resulted in an unacceptable and unsympathetic use in the location. It can almost be said that by way of how it operates it is a use that complements the surrounding business by offering a bespoke training facilities on site.
- 4.15 Given the small number of people accessing the site at anyone time, it is highly unlikely that LCC as Highway Authority would object to a development of this nature.
- 4.16 The applicant is willing to accept a personal permission or an appropriate condition, if required, to ensure a gym operated in a different way cannot operate from the site in the future.

Ground (g): That the period for compliance with the notice is too short.;

- 4.17 The enforcement notice requires use to cease in four months. Given the difficulty the appellant had finding suitable premises in which to open the business, the appellant request a 12 month time period.

- 4.18 This would ensure business continuity for existing ongoing members and would allow the appellant to find appropriate premises in a suitable location and arrange for movement of all the equipment on site.

4

5. Conclusion

5.1 The appellant's case seeks to address the grounds for appeal identified in Section 174 of the Town and Country Planning Act 1990. These being Section 174 (2)

(a) that planning permission should be granted for what is alleged in the notice;

(g) – that the period for compliance with the notice is too short.

5.2 This Statement of Case puts forward that the development does not result in an unacceptable and unsympathetic use in its location and nor does it have a detrimental impact on neighbour amenity or highway safety.

5.3 At the time the appellant was looking for property, there were no town centre locations that were suitable and given the nature of how the use operates, it would be financially unviable to operate from a town centre location where all costs significantly higher.

5.4 This Statement of Case also puts forward that the time of compliance is too short given the nature of the business.

5.5 The appellant requests that the appeal is upheld, and the Enforcement Notice is quashed.

Appendix 1: Relevant Policies

Employment Allocation Policy (Policy EAL)

Land will be allocated for employment uses (defined as uses falling within classes B1 to B8) to meet employment land requirements in the plan period (2008-2028) as follows and as shown on the Proposals Map:

- Policy EAL1 Land at Sykes Holt, Mellor (1.7ha);
- Policy EAL2 Land at Time Technology Park, Simonstone (0.8ha); and
- Policy EAL3 Land at Higher College Farm, Longridge (1.5ha).

Justification

The Council proposes to allocate 4ha of employment land. This results in an overprovision against the identified requirement in the Core Strategy of 1.6ha. In making these allocations the plan addresses the identified requirements of the Core Strategy whilst also ensuring the delivery of necessary employment land to meet requirements for Longridge. Overall, the Council when taking these allocations and existing commitments into account provides through this plan for a choice of sites and locations to accommodate economic growth.

POLICY DMB1: Supporting Business Growth and the Local Economy

Proposals that are intended to support business growth and the local economy will be supported in principle. Development proposals will be determined in accord with the Core Strategy and detailed policies of the LDF as appropriate.

The Borough Council may request the submission of supporting information for farm diversification where appropriate.

The expansion of existing firms within settlements will be permitted on land within or adjacent to their existing sites, provided no significant environmental problems are caused and the extension conforms to the other plan policies of the LDF.

The expansion of established firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape. There may be occasions where due to the scale of the proposal relocation to an alternative site is preferable.

Proposals for the development, redevelopment or conversion of sites with employment generating potential in the plan area for alternative uses will be assessed with regard to the following criteria:

1. The provisions of Policy DMG1, and
2. The compatibility of the proposal with other plan policies of the LDF, and
3. The environmental benefits to be gained by the community, and
4. The economic and social impact caused by loss of employment opportunities to the Borough, and
5. Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council's satisfaction that the current use is not viable for employment purposes.)

The Council in accord with its vision and key statements wishes to create the right environment for business growth whilst ensuring development is sustainable.

Appendix 2: Email re: Planning Permission

 Outlook

Fwd: Fw: FAC [REDACTED]

From CHANGE <theteam@change gym.co.uk>
Date Fri 19/12/2025 08:37
To Claire Bradley <clairebradley@kirkwells.co.uk>

----- Forwarded message -----

From: **CHANGE** <theteam@change gym.co.uk>
Date: Mon, 15 Sep 2025 at 09:37
Subject: Fwd: Fw: FAO [REDACTED]
To: Steve Maggs [REDACTED]

----- Forwarded message -----

From: **Sinead Hines** [REDACTED]
Date: Mon, 15 Sep 2025 at 09:31
Subject: Fw: [REDACTED]
To: theteam@change gym.co.uk <theteam@change gym.co.uk>

From: Planning <planning@ribblevalley.gov.uk>
Sent: Tuesday, January 18, 2022 2:21 pm
To: 'Sinead Hines' [REDACTED]
Subject: RE: FAO [REDACTED]

Hi Sinead,

I've checked with our engineers department (who assign the street names and numbers, and who have checked the aerial photo) and Trevor Dawson is definitely using the wrong address. The addresses for all of those units should be as below.

UNIT (number)
BAUBLOCK
[BLACKBURN ROAD](#)
[SIMONSTONE](#)
[BURNLEY](#)
[BB12 7FS](#)

So, if your unit is in that complex, the planning consent you need to look at is 3/2019/0821 which gives permission for Units which are now Use Class E. This means that you wouldn't need to apply for planning permission to change the use of the unit to a gym, but there are some quite strict opening time and delivery time restrictions in that planning permission, so you will need to check the document called 'Decision Notice' to identify what is allowed.

Here is a link to view the most recent planning permission for the units across the back of the site (adjacent to the railway) which is where Units 8 and Unit 12 are, according to our naming and numbering.

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0821

Kind regards



From: Sinead Hines [redacted]
Sent: 18 January 2022 14:02
To: Planning <planning@ribblevalley.gov.uk>
Subject: FAO [redacted]

External Email

This email originated from outside Ribble Valley Borough Council. Do **NOT** click links or open attachments unless you recognize the sender and are sure the content within this email is safe.

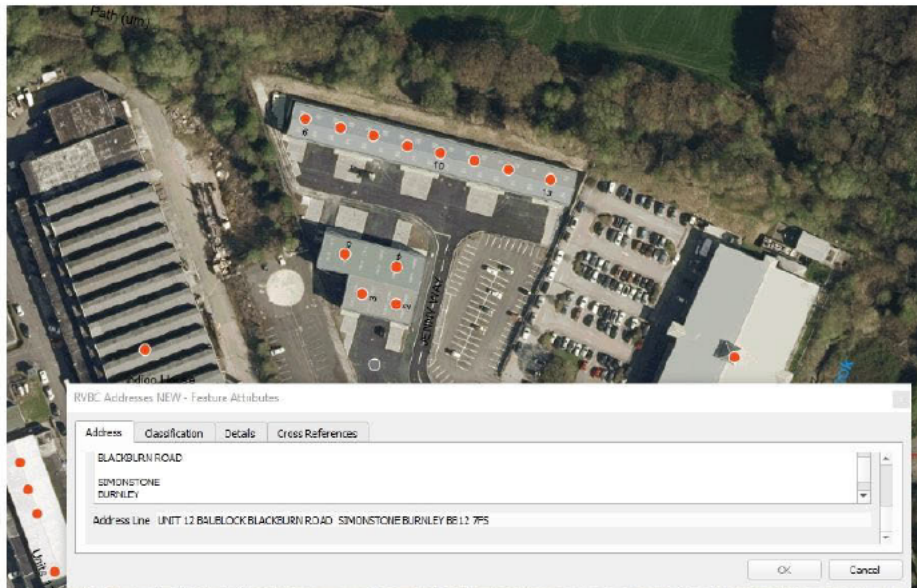
Sent from my iPhone

Begin forwarded message:

From: Planning <planning@ribblevalley.gov.uk>
Date: 6 April 2021 at 17:28:31 BST
Subject: RE: [redacted] Re change of use

Hi Sinead

So the postcode you supplied is Unit 12 in the Time Technology Park, do you mean the one next to 13 on this plan? Unit 12 Baublock BB12 7FS?



If so, please see the decision notice last document here:

<https://www.ribblevalley.gov.uk/planningApplication/28302>

condition 12 mentions class use B1 & B3, which is now Class E so as long as it is used for **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms) then you shouldn't need a change of use.

Class E - Commercial, Business and Service

Class E is introduced from 1 September 2020.

In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e):

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
 - **E(c)(i)** Financial services,
 - **E(c)(ii)** Professional services (other than health or medical services),
 - or
 - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - **E(g)(i)** Offices to carry out any operational or administrative functions,
 - **E(g)(ii)** Research and development of products or processes
 - **E(g)(iii)** Industrial processes

Kind regards



Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe BB7 2RA

Hours of work; all day Monday, Tuesday and Wednesday morning

From: Sinead Hines [Redacted]
Sent: 06 April 2021 11:35
To: Planning <planning@ribblevalley.gov.uk>
Subject: [Redacted] Re change of use

 **External Email**

This Email Originated Outside Ribble Valley Borough Council. Do not click links or attachments unless you recognize the sender and know the content is safe. If in doubt please contact helpdesk@ribblevalley.gov.uk

Hi Nicola,

The address I've got for the unit is:

Unit 12
Blackburn Road
BB12 7NQ

Thanks
Sinead

Get [Outlook for iOS](#)

Disclaimer

Tops for resident satisfaction – 79% of residents are satisfied with Ribble Valley as a place to live (Perception Survey 2018)

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Kirkwells

The Planning People

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