

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

TO: Sinead Marie Hines of
Change Gym Ltd
Westlands House
Whalley Road
Padiham
Burnley
BB12 8JX

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**

Unit 12, (operating as Change Gym Ltd) Baublock, Simonstone Business Park, Blackburn Road, Simonstone Lancashire BB12 7FS, shown edged red on the attached plan (the land).

- 3. THE BREACH OF PLANNING CONTROL ALLEGED**

On 29 November 2019 planning permission was granted by the Council under reference number 3/2019/0821 for a Proposed Business Park comprising 18 industrial units for B8 (storage and distribution) and B1 (offices and light industry) uses subject to conditions (NB that permission was an amendment to original planning permission ref 3/2017/0284 by permitting a variation of conditions 2, 3, 14, 15, 16, 17, 20, 21, 22, 26, 28, 29, 30 and 32).

One of those conditions (condition 10) restricted the use of the approved units as follows:-

10. Notwithstanding the provisions The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended) or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the units hereby approved shall only be used for the purposes of use classes B1 and B8.

REASON: For the avoidance of doubt, and to avoid an over-intensive use and to ensure that the development remains compatible with the character of the area and the intensity and frequency of usage remains proportionate to the use.

Class B1 (Business) use was removed by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757) and became Class E(g). As a result, the condition restricts the units to use classes E(g) and B8 only.

It appears to the Council that the condition has not been complied with, because unit 12 is now operating as a gym within use class E(d) which does not fall within either of the permitted use classes.

4. REASONS FOR ISSUING THIS NOTICE

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

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.

5. WHAT YOU ARE REQUIRED TO DO

Cease the use as a gym at Unit 12, Baublock, Simonstone Business Park, Blackburn Road, Simonstone BB12 7FS.

6. TIME FOR COMPLIANCE

4 months from the date this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the 20th of December 2025 unless an appeal is made against it beforehand.

Dated: 18th November 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, Unit 12, (operating as Change Gym Ltd) Baublock, Simonstone Business Park, Blackburn Road, Simonstone Lancashire BB12 7FS, 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 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 £1156:00 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:

SUPASHED SIMONSTONE LIMITED (Co. Regn. No. 09584655) of 20 New Road, Rufford, Ormskirk, L40 1SR.

SUPASHED SIMONSTONE LIMITED (Co. Regn. No. 09584655) of Group First House, 12a Mead Way, Padiham Lancashire, BB12 7NG.

SUPASHED LTD (Co. Regn. No. 14608087) of Group First House, 12a Mead Way, Padiham, Lancashire BB12 7NG.

CHANGE GYM, UNIT 12, BAUBLOCK, SIMONSTONE BUSINESS PARK, BLACKBURN ROAD, SIMONSTONE BB12 7FS.