Town and Country Planning [General Permitted Development] [England]Order 2015 [as amended]

Appeal against an Enforcement Notice issued by Ribble Valley Borough Council in respect of unauthorized development at 29 Chatburn Park Drive, Clitheroe. BB7 2AY

The unauthorized operational development specifically relates to the erection of a dormer in the side elevation roof space of the property that is not in compliance with the requirements of the Town and Country Planning [General Permitted Development] [England]Order 2015 [as amended] more specifically, that the obscure glazing, required by the said provisions of the above order in order to comply with the permitted development requirements have been removed and replaced by ordinary glazing. There are 5 window openings in total in the dormer, three clear glazed bedroom windows in the south elevation of the roof space and two clear glazed roof lights in the [north] side elevation of the roof slope.

GROUNDS OF APPEAL AND APPELLANT STATEMENT OF CASE

The appeal is made on Ground (g), that the time allowed for compliance is too short to be reasonable

Background: in 2019 an application under the building regulations was submitted to Ribble Valley Borough Council for the erection of the dormer in the side elevation, the details shown, which included the obscure glazing was approved under the building regulations; there was no need for a planning application submission because the proposal clearly complied with the provisions of the Town and Country Planning [General Permitted Development] [England]Order 2015 [as amended]. It is understood that the dormer was constructed in accordance with the building regulation application and was available for use in late 2019. It is understood that at no time did the planning authority challenge the voracity of the building regulation application and the details contained therein as not being compliant with the requirements of the Town and Country Planning [General Permitted Development] [England]Order 2015 [as amended].

The appellant purchased the property in 2026; being unaware of the provisions of the Town and Country Planning [General Permitted Development] [England]Order 2015 [as amended] and taking a view that the obscure glazing made the bedroom and landing very dark, removed the obscure glazing and replaced it with ordinary clear glazing in all 5 openings the subject of the enforcement notice.

The appellant has had discussions with the planning enforcement team in attempts to overcome the issue, but the LPA are adamant that the requirements of the GPDO must be met in full and that for the dormer to remain, the obscure glazing to all 5 openings must be re-instated.

The requirement of the notice is replace the three clear glazed dormer windows in the [south] side elevation of the roof space and the two clear glazed rooflights in the [north] side elevation of the roof space with obscure glazing in order to satisfy conditions B.2 and C.2 of schedule 2, Part 1, class B and Class C of the Town and Country Planning [General Permitted Development] [England] Order 2015 [as amended] within a period of 6 weeks from the date the notice becomes effective, which is 4 August 2026. The appellant considers that this period is too short and that there does not appear to be any prospect of flexibility for compliance given the nature of the requirement. He considers it too short for the following reasons:

- It will be necessary for the appellant to place an order with window manufacturers to specifically make individual window panels/roof-lights that are to be obscure glazed. I'm advised that this is not something that can be done "off the shelf;" thereafter he must arrange to have the new windows installed/fitted.
- Further and more importantly, the appellant has not been given the opportunity to submit a householder planning application to retain the dormer with clear glazing. Notwithstanding this, **he has instructed Peter Hitchen Architects, [instruction given on 31 July 2026]** and whose contact details are given below, to prepare and submit such an application and this will be done as quickly as is reasonably possible. If the LPA, upon consideration of that proposal refuse permission, the appellant can exercise his right to appeal such decision under section 78 of the Town and Country Planning Act 1990 as amended and within a period of 12 weeks of the date of decision.

Under the circumstances, and given the time frame as set out above, it is the appellant's view that it would be entirely reasonable to vary the period of compliance as set down in the Enforcement Notice, from 6 weeks until **31 December 2026**

For the avoidance of any doubt and in the interests of transparency Ground A is not appealed. It is clear, from the above, that the Appellant is not able to use ground A for the purposes of this appeal simply because it is not possible within the immediate timeframe to prepare all necessary documents as part of this appeal, that would allow the Inspectorate the opportunity of considering an appeal under ground A.

Trevor Hobday MRTPI

31 July 2026

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