



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 15 January 2020

Appeal ref: APP/B2355/C/19/3236210

Land at 480 Burnley Road, Rossendale, Lancs, BB4 8LZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mr John Reece against an enforcement notice issued by Rossendale Borough Council.
- The notice was issued on 20 August 2019.
- The breach of planning control as alleged in the notice is "Without the benefit of planning permission the erection of a dwelling, formation of an enclosed area, and associated change of use of the Land from woodland to residential use".
- The requirements of the notice are: "i. Cease the use of the Land for residential purposes. ii. Remove all residential paraphernalia from the Land. iii. Demolish the unauthorised dwelling shown on Photograph 1. iv. Remove the timber, wire and mesh fencing and gates around the dwelling (shown on Photograph 1) from the Land. v. Remove all materials associated with compliance of steps 1-4 from the Land in an appropriate manner. vi. Restore the Land to its former condition as a natural woodland floor, as it was prior to the construction of the unauthorised dwelling".
- The period for compliance with the requirements of the notice is: Within 6 months from the date this Notice takes effect, i.e on or before 20 March 2020".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The main basis of the appellant's case is that he would like the compliance period extended to 2 years so that he can continue to reside in the unauthorised structure while attempting to obtain planning permission and Listed Building Consent for the conversion of the former Crawshaw Hall pump house. However, to allow the unauthorised use to continue for a further 2 years would be tantamount to granting a temporary planning permission, which is not within my powers to do as an appeal has not been made on ground (a). In an appeal on ground (g) I can only consider whether the period for compliance with the requirements of the notice is too short. I note that over 4 months have elapsed since the appeal was submitted with enforcement action effectively suspended. Therefore, as the compliance period will begin again from the date of this decision, the appellant will effectively have had at least 10 months in which to comply with the notice. I consider this period to be both reasonable and proportionate and provides an appropriate balance between the needs of the appellant to seek out alternative

accommodation and the need to bring the stated harm caused by the unauthorised use to an end.

2. I appreciate the appellant's desire to obtain the relevant planning consents to restore the pump house, but I do not consider this as justification for the stated harm caused by the Grade II* listed building and the surrounding area to continue.
3. In these circumstances, I am not satisfied there is good reason to extend the compliance period further and consider the 6 months given in the notice to be adequate. The ground (g) appeal fails accordingly.

Formal decision

4. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld.

K McEntee