
Appeal Decisions

Site visit made on 15 June 2021

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Refs: APP/B2355/C/21/3269476 and APP/B2355/C/21/3269477
Land adjacent to the river, opposite 3 Bridgewood Close, Rossendale BB4 7AP

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Shaun Salmon and Miss Suzanne Trickett against an enforcement notice issued by Rossendale Borough Council.
- The enforcement notice was issued on 5 February 2021
- The breach of planning control as alleged in the notice is the material change of use of the river bank to residential use facilitated by the siting of a greenhouse, an outbuilding and a timber platform.
- The requirements of the notice are:
 - a. Cease the use of the land for residential use.
 - b. Permanently remove the glass greenhouse and timber outbuilding including all their contents from the land.
 - c. Permanently remove all timber sleepers and concrete flags from the land.
 - d. Permanently remove all materials associated with the compliance of steps a-c from the land.
 - e. Restore the land to its former condition as a natural river bank.
- The period for compliance with the requirements is two months.
- The appeals are proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeals on ground (a) and the applications for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Summary of Decision: The appeals are dismissed and the enforcement notice is upheld.

The appeals on ground (c)

1. The ground of appeal is that the matter alleged does not constitute a breach of planning control. The material change in the use of land comprises development within the meaning of s55 of the Act for which planning permission is required. The appeal site is situated on top of a river bank adjacent to the River Irwell and is outside the residential curtilage of 3 Bridgewood Close; the public highway, a parking area and an area of grass separate the appeal site from the residential property.
2. At my site visit I observed that a greenhouse and a timber outbuilding/shed have been placed on the land and a platform created by using timber sleepers as retaining structures has been installed. There are also vegetable planters, an area of artificial turf and other domestic paraphernalia on the site such as a small chiminea.

3. Consequently, it is clear to me that a material change of use of the land to residential use which has been facilitated by the items identified in the enforcement notice has occurred and does not benefit from planning permission. Consequently, the appeal on ground (c) must fail.

Conclusion

4. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

Formal Decision

5. The appeals are dismissed and the enforcement notice upheld.

A A Phillips

INSPECTOR