



Appeal Decision

Site visit made on 3 June 2025

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2025

Appeal Ref: APP/D2320/C/23/3331713

72 Church Lane, Charnock Richard, Nr Chorley, Lancashire, PR7 5NA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Stephen Hough against an enforcement notice issued by Chorley Borough Council.
 - The notice was issued on 21 September 2023.
 - The breach of planning control as alleged in the notice is: Unauthorised material change of use of land to land used for the storage of motor vehicles, motor vehicle parts and accessories and equipment for the servicing and maintenance of motor vehicles.
 - The requirements of the notice are to:
 - i) Cease the use of the land for the storage of motor vehicles, motor vehicle parts and accessories and equipment for the servicing and maintenance of motor vehicles.
 - ii) Remove from the land and buildings all motor vehicles, motor vehicle parts, accessories and equipment for the servicing and maintenance of motor vehicles.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (e) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The enforcement notice is quashed.

Preliminary Matters

2. The site address in the notice refers to land opposite 71 Church Lane. However, the appeal form gives the site address as 72 Church Lane. I have used the latter in the heading above as being the more precise description of the site, which is also adequately identified on the plan attached to the notice. The Council raises no specific objection to that address which they have used in their statement of case.
3. The revised National Planning Policy Framework was published in December 2024. The main parties were given the opportunity to comment on the relevance of this to the appeal, and I have had regard to the comments received.

Matters relating to the notice

4. The notice alleges that the land is used for the storage of motor vehicles, motor vehicle parts and accessories and equipment for the servicing and maintenance of motor vehicles, and requires the cessation of these uses and the removal of all motor vehicles and associated parts, accessories and equipment.
5. During my site visit I could see that there were numerous motor vehicles, vans and trailers stored or parked on the land, together with vehicle parts and accessories which appear to be used for vehicle repairs and maintenance, stored within the outbuildings and containers on the site. However, this storage was largely confined

to the southern and western parts of the site, which encompasses an extensive area of land shown edged red on the plan attached to the notice. I consider that it is a single planning unit within the same occupation with little physical or functional separation within it, and there is nothing to suggest otherwise.

6. In addition to motor vehicles and associated parts and equipment, there are also various items stored in and around the outbuildings which I would not regard as being connected with or incidental to the uses alleged in the notice. These include, amongst other things, horse trailers, ladders, bicycles, a static caravan, agricultural type machinery, tools, materials and items of domestic paraphernalia. There was also a tractor and a digger which may or may not be used to maintain the land.
7. The previous enforcement notice relating to this site issued in 2014, which was subsequently dealt with through the courts, alleged not only the change of use to repair, maintenance and sale of motor vehicles, but also use for domestic purposes and the storage of a caravan and containers. It has not been clarified whether the use for domestic purposes has ceased entirely, though it appeared to me that there remains an element of domestic storage, and there is still a caravan whose purpose, if it has any, is unclear. There is nothing before me to suggest the previous notice is not still in force.
8. The site has historically been in agricultural use. The greater part of it remains as grassland and there is no suggestion that agricultural use of this part of the site has permanently ceased. It does not appear to be used for the storage, servicing or maintenance of motor vehicles. Indeed, planning permission was granted in 2016¹ for the retention on this site of, amongst other things, a canopy for tractor storage and the use of a Wendy house as a stable, with a condition requiring the latter to be used for the stabling of horses and storage of associated equipment and feed only, and not for trade, business or other storage purposes, suggesting an agricultural and equine use of the site at that time. These are all indicative of uses other than those alleged in the notice and there is no substantive evidence that would lead me to conclude that these uses have been lost.
9. Therefore, on the basis of the evidence before me and my observations on the site, I consider that the site is not used solely for the storage, servicing and maintenance of motor vehicles with associated parts, accessories and equipment. Instead, it appears to me that there is a mixed use on this site. The concept of a mixed use is two or more primary uses existing within the same planning unit or unit of occupation. One is not incidental to the other, although there may be incidental uses associated with each primary use.
10. The site edged red on the plan does not identify the precise area on which the alleged unauthorised use is taking place. Consequently, the allegation in the notice is incorrect and should have referred to all the components of the mixed use even if only one is required to cease. This is because, where there is a mixed use, it is not open to the Council to decouple elements of it; the use is a single mixed use with all its component activities. In any event, I am not persuaded that there is a single primary use for the storage of motor vehicles and parts and equipment for the servicing and maintenance of motor vehicles, on the whole of the appeal site.
11. It is my duty to try get the notice in order if I can, and I have wide powers of correction under section 176 of the 1990 Act, but only where no injustice would be

¹ Ref. 16/00102/FUL

caused to either party. Neither party has provided an adequate description of the mixed use within the red line area which might form the basis for a revised allegation. Moreover, if I were to expand the allegation and the requirements of the notice, then it would widen the scope of the notice which could cause injustice to the appellant. I have considered whether the notice could be varied by deleting the plan and substituting it with a plan to identify the land in use for motor vehicle storage and servicing and maintenance use. However, based on evidence it is not entirely clear where the precise boundaries of that use are, and that would not correctly identify the planning unit as a whole.

12. The uncertainty surrounding the alleged breach means that the steps required to be taken to remedy it are similarly unclear and any additional requirements would make the notice more onerous. Correcting the allegation in such a case could also have implications for the parties' cases under the grounds of appeal and the deemed planning application.
13. I therefore find that the notice is invalid. This finding is, however, without prejudice to the Council's ability to issue a fresh notice having regard to Section 171B(4)(b) of the 1990 Act.

Other Matters

14. The appellants have not appealed on ground (d), which is that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. However, some of the appellants' submissions represent a hidden ground (d) appeal. Given my findings above, there has been no need for me to consider this hidden ground or the appeals on grounds (a) and (e).

Conclusion

15. I conclude that the enforcement notice does not specify correctly the alleged breach of planning control, or the steps required for compliance. It is not open to me to correct the error since injustice would be caused. Therefore, the enforcement notice is invalid and will be quashed.
16. In these circumstances, the appeal on the grounds set out in section 174(2)(a), (d) and (e) of the 1990 Act and the application for planning permission deemed to have made under section 177(5) of the 1990 Act do not fall to be considered.

M Ollerenshaw

INSPECTOR