



Appeal Decision

Site visit made on 24 June 2025

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 JUNE 2025

Appeal Ref: APP/T2350/C/23/3330498

1 Park Road, Gisburn, Clitheroe, BB7 4HT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mr Paul Hargreaves against an enforcement notice issued by Ribble Valley Borough Council.
 - The notice was issued on 30 August 2023.
 - The breach of planning control as alleged in the notice is without planning permission the unauthorised erection of a garden room/home office and garden shed.
 - The requirements of the notice are to remove the garden room/home office and garden shed and all resultant materials from the land.
 - The period for compliance with the requirements is twelve weeks.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected by deleting the words "*Land at 1 park Road, Gisburn, Clitheroe, Lancashire, 887 4HT, and shown edged red on the attached plan*" in section 2 and the substitution of the words "*Land at 1 Park Road, Gisburn, Clitheroe, Lancashire, BB7 4HT*". Subject to the correction, the appeal is dismissed, and the enforcement notice is upheld.

The Notice

2. Section 2 of the notice gives the postcode of the land to which the breach of planning control relates as '*887 4HT*'. This is an error and should read as '*BB7 4HT*'. I shall accordingly correct the notice and, in doing so, do not find that any injustice would be caused to the main parties.

Reasons

3. The appeal made under ground (f) is that 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, or to remedy any injury to amenity which has been caused by any such a breach.
4. The purpose of the notice is to remedy the breach of planning control. In this regard, the requirement to remove the development from the land is not excessive.
5. The appellant asserts that the notice should allow him to simply make alterations to the roof and cornering details of the buildings and that this would address concerns raised by an Inspector who previously dealt with a retrospective planning

application for the development on appeal¹. I am not entirely sure from reading this appeal decision if the Inspector was suggesting that if alterations to the roof and cornering details of the buildings were made, it would mean that the resultant buildings would be acceptable in planning terms. Indeed, the Inspector also refers to the cumulative size of buildings, as well as to their location within the setting of a listed building, and the relative visibility in the public domain.

6. Notwithstanding the above, an amended proposal was subsequently considered in the form of a further planning application for the subject buildings which was refused by the local planning authority (LPA) and then considered by a different Inspector on appeal. That appeal was dismissed² by the Inspector who commented that *'the larger appeal outbuilding stands prominently above Park Road, somewhat emphasising its incongruity within the garden of the house at No. 1. When seen from Park Road and down Park Mews from the A59 trunk road, the 2 flat roofed timber clad appeal outbuildings appear unhappily obtrusive and ill-fitting. That is especially so when contrasted with the pitched stone and slate roofs of nearby long-established buildings'*.
7. It is not possible for me to consider the planning merits of any other alternative scheme in the absence of an appeal made on ground (a) of section 174(2) of the Act. Nonetheless, the evidence is that the planning merits of the appellant's suggested alterations to the buildings have already been considered by another Inspector who concluded that planning harm would still be caused and that such harm would not be outweighed by other material planning considerations.
8. For the above reasons, I therefore conclude that the ground (f) appeal fails.

Other Matters

9. The appellant raises concern about the advice offered by the LPA in terms of the submission of a regularising planning application and asserts that a stop notice should have been issued instead thereby preventing contractors from being able to complete the development. Moreover, he claims that the Council has published false comments from two objection letters. These are not matters that relate to this enforcement notice appeal and, furthermore, are not relevant issues to be considered as part of the assessment of the ground (g) appeal.

Overall Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction.

D Hartley

INSPECTOR

¹ Appeal reference number APP/T2350/D/21/3282794 dated 14 December 2021

² Appeal reference number APP/T2350/D/22/3313818 dated 6 June 2023