



Appeal Decision

by **Ken McEntee**

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

Decision date: 9 October 2025

Appeal ref: APP/M2372/C/25/3365210

Land at 204 Preston New Road, Blackburn, Lancs, BB2 6PN

- 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 Mohammed Ghafoor against an enforcement notice issued by Blackburn with Darwen Borough Council.
- The notice was issued on 7 April 2025.
- The breach of planning control as alleged in the notice is: "The erection of a rear dormer without permission within the Revidge Conservation Area".
- The requirement of the notice is: "Remove in its entirety the unauthorised rear dormer".
- The time period for compliance with the requirement of the notice is "...by midnight on 13 November 2025 (6 months)".
- 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, but with variation.

Reasons for the decision

1. The main basis of the appellant's case for more time to comply with the requirement of the notice is due to needing to raise the necessary funds and to find reliable tradespeople to carry out the required works. He also refers to the possibility of submitting a planning application that will satisfy the Council's concerns. The appellant therefore requests that the compliance period be extended to between 18 and 24 months.
2. While I appreciate the reasons put forward by the appellant, I cannot extend the compliance period to the period suggested as this would be tantamount to granting a temporary planning permission, which I have no authority to do on an appeal made on ground (g) only. In any event, there is no evidence before me of a planning application having been submitted, and whether one will be submitted in the future can only be considered as a matter of speculation at this stage. I am also mindful that some 5 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 11 months in which to raise the necessary funds, seek out a reliable tradesperson and to carry out the required works. I consider this period to be both reasonable and proportionate and provides an acceptable balance between the concerns of the appellant, and the need for the stated harm caused by the unauthorised development to the surrounding Conservation Area to be brought to

an end as soon as possible. Therefore, I am not satisfied there is good reason to extend the compliance period further. The appeal fails accordingly.

3. However, as the Council point out, should the appellant experience any genuine difficulties, it is open to him to submit a request to the Council to use their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.
4. While I am dismissing the appeal, I note that the notice fails to state from when the compliance period begins and that the date of 13 November 2025 will clearly need to be removed. Therefore, for the avoidance of doubt, I shall vary the notice accordingly.

Formal decision

5. The appeal on ground (g) is dismissed but it is directed that the enforcement notice be varied in section 6 "**TIME FOR COMPLIANCE**", by the deletion of "Compliance must be by midnight on 13 November 2025 (6 months)" and the addition of "6 months after this notice takes effect". Subject to this variation, the enforcement notice is upheld.

Formal decision

6. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld, but with the variation stated above.

K McEntee