



Appeal Decision

Site visit made on 2 December 2025

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08th December 2025

Appeal Ref: APP/J2373/C/24/3358023

C T G S Ltd, 2A Haig Road, BLACKPOOL, FY1 6BZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Chris Taylor against an enforcement notice issued by Blackpool Council.
- The notice was issued on 26 November 2024.
- The breach of planning control as alleged in the notice is 'Without planning permission, the conversion of a commercial unit to residential and the use of the property as a self-contained holiday let.'
- The requirements of the notice are to: Cease the use of 2a Haig Rd as a self-contained holiday let. Remove all kitchen fixtures and fittings from the self-contained holiday let. Remove all bathroom fixtures and fittings from the self-contained holiday let. Remove all furniture, beds and all other items associated with the use as a self-contained holiday let. Remove the UPVC fence and gate to the front of the property.
- The period for compliance with the requirements is: one month.
- The appeal is proceeding on the ground set out in section 174(2)(e), (c) and (f) of the Town and Country Planning Act 1990 (as amended) (the Act).

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appellant submitted an appeal against the enforcement notice (the Notice) only on ground (c). However, his submissions highlighted that the appeal was submitted at short notice due to the way the Notice had been served. He also claimed that requirements in the Notice extend beyond what it can require in relation to a kitchen and bathroom. These are ground (e) and (f) claims.
3. As 'hidden' grounds of appeal, in the interests of parity, I have afforded the Council an opportunity to respond on those matters alone. I have taken their comments into account.

The ground (e) appeal

4. Ground (e) is that copies of the enforcement notice were not served as required by s172 of the Act. Under s172(2)(a), copies shall be served on the owner and the occupier of the land to which the notice relates. For ground (e), the onus is on the appellant to make his case on the balance of probabilities.
5. The appellant contends that he only discovered a copy of the Notice at the appeal site on 18 December 2024. It is asserted that consequently only a matter of days were available to lodge the appeal.
6. However, this conflicts with his own earlier evidence which suggests that a copy was received on 26 November 2025 and that he had subsequently sought advice on the matter. I note that the Council record that copies were served on the

appellant at various addresses, including the appeal site and an address at Headroomgate Road, which was signed for on receipt.

7. Pursuant to the above, I find that copies of the Notice were probably duly served and the appeal on ground (e) fails.

The ground (c) appeal

8. An appeal on this ground is that the matters stated in the Notice do not constitute a breach of planning control.
9. There is no dispute between the main parties that 2a Haig Road has been converted from a commercial unit to a residential property used for holiday let purposes. As there has been a material change in the character of the use of the land and building such that 'development' as defined by s55(1) of the Act has occurred, s57(1) confirms that planning permission is required for the carrying out of such development.
10. The appellant's evidence includes detail of the building's energy performance to demonstrate it complies with a letting requirement. A Completion Certificate demonstrates it meets the appropriate standards for Building Regulations. However, there is little to demonstrate that planning permission was sought or obtained for the material change of use, or that other statutory provisions provide for the development without an explicit need for planning permission.
11. The Notice requires the removal of a fence and gate to the front of the property. According to the appellant, the fence is 1.8m high and set 6m from the boundary line. Under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) planning permission for gates and fences is granted by virtue of s3(1) and Schedule 2, Part 2, Class A, subject to specified limits.
12. Notwithstanding, the appellant's evidence describes that the fence provides for off road parking and a secure space for children or pets visiting the accommodation. As facilitating development incidental to the material change of use of the site, the established caselaw in *Murfitt*¹ confirms that an enforcement notice may require the removal of works which might otherwise be immune from enforcement or fall within the provisions of the GPDO. Accordingly, the requirement in the Notice to remove it is a legitimate approach by the Council.
13. The reasons above, as development without planning permission, or erected to facilitate an unauthorised use, the appeal on ground (c) fails.

The ground (f) appeal

14. This ground of appeal is that the steps required by the Notice to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity caused by the breach.
15. In this case, the Notice alleges that there has been a change of use, and it requires the unauthorised use to cease. Additionally, it requires the removal of kitchen and bathroom facilities, beds and furniture from the building.

¹ *Murfitt v SSE & East Cambridgeshire CC* [1980] JPL 598

16. The appellant asserts that a bathroom and kitchen were installed within the building in conjunction with its previous commercial use, such that the requirement in the Notice to remove them goes beyond what it can legitimately require to remedy the breach of planning control.
17. However, there is little substantive evidence before me to demonstrate that claim. I acknowledge that the appellant has provided two images of the kitchen taken at different points in time; however, these are undated. Aside from a plan showing a bathroom, dated after the service of the Notice, there is little evidence of any such pre-existing facility.
18. It is established caselaw² that an enforcement notice can require the removal of facilitating works, even if they don't constitute 'development' as defined by s55 of the Act. Based on the limited evidence before me, there is insufficient grounds to conclude that the requirements in the Notice would exceed what is necessary to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Other Matters

19. I acknowledge that the appellant seeks consideration of the alternative use of the premises for permanent residential accommodation, as opposed to a holiday let. However, because the appellant has not appealed the Notice on ground (a) so that I could consider planning merits, I have no scope to consider whether the residential use would be policy compliant and, if so, could be suitably controlled to avoid conflict with the Council's strategy for managing new holiday accommodation. However, in that respect it may be open to the appellant to submit an application for planning permission to the Council for that development on the Land.

Conclusion

20. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

R Hitchcock

INSPECTOR

² See *Somak Travel v SSE & Brent LBC* [1987] JPL 630