



Appeal Decision

Site visit made on 12 January 2026

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

Appeal Ref: APP/R2330/C/24/3358244

Land at Jaucourt Street, Accrington BB5 1ST

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Tina Walmsley against an enforcement notice issued by Hyndburn Borough Council.
- The notice was issued on 28 November 2024.
- The breach of planning control as alleged in the notice is the erection of mesh fencing around the land known as Jaucourt Street and a change of use of the land from the use as a highway to a land in association with the neighbouring residential property known as The Bungalow.
- The requirements of the notice are: i. Remove the fencing and any associated works; ii. Remove the hard-core and soil that has been placed on the land; iii. Reinstate the land to its previous condition; and iv. Remove any resultant materials and debris from the land.
- The period for compliance with the requirements is 1 (one) calendar month.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) 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.

Decision

1. The enforcement notice is varied by the deletion of '1 (one) calendar month' in section 6 of the notice and the substitution instead of 'three months'.
2. Subject to the variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

The ground (a) appeal

3. The main issues are the effect of the mesh fencing on; first, the visual amenity of the area; and second, highway and pedestrian safety.

The first issue – visual amenity

4. Jaucourt Street is about eight metres wide and extends for a distance of about 100 metres from a junction with Park Road at its east end to the termination of Princess Street at its west end. In the centre of the street is a junction with Monk Street. Prior to the unauthorised works taking place there was a defined pavement along the north side of the street whilst the road surface was rough and potholed tarmac. A public right of way extends across the land from Monk Street to a tarmac path that extends north-eastwards to a junction with Park Road.

5. A fence, about two metres high, has been erected which blocks access to Jaucourt Street from Park Road and Princess Street and which, when erected, extended for the

full length of the street about one metre from the gable ends and boundary walls of dwellings on Park Road, Monk Street and Princess Street. Seven metres of the fence, at the termination of Monk Street, have been removed to preserve the public right of way, and this, as noted at the site visit, provides the opportunity for vehicles to turn around on the land as they were able to do before the fence was erected.

6. The Appellant claims that the land is privately owned but has brought forward no evidence to prove such a claim. This factor notwithstanding, soil has been brought onto the land inside the fence and this has become overgrown with weeds. The area within the fence is unkempt and unsightly. The narrow pedestrian footway between the fence and the gable ends and boundary walls of dwellings on Park Road, Monk Street and Princess Street was littered with discarded cans and other rubbish at the time of the site visit and, given its length and confined nature, is inhospitable and unattractive. The development as carried out is seriously harmful to the visual amenity of the area.

7. The development that is the subject of the enforcement notice seriously harms the visual amenity of the area and conflicts with policies Env6 and Env 7 of the Council's adopted Core Strategy and with policies DM26 and DM29 of the Council's adopted Development Management DPD.

The second issue – highway and pedestrian safety

8. Before the fence was erected vehicles were able to turn left or right at the end of Monk Street and continue to Park Road or Princess Street. The removal of part of the fence has provided the opportunity for small vehicles to turn round and return along Monk Street. But larger vehicles such as refuse vehicles and minibuses are likely to have to reverse along Monk Street and onto Countess Street. In a dense residential neighbourhood on a street where there is a high incidence of on-street parking such manoeuvres are dangerous to highway and pedestrian safety. Elderly and infirm local residents who use walking aids have written to say that they cannot use the confined and littered footway on the land for access to local shops and other facilities. For this reason also the development is detrimental to pedestrian safety.

9. The development that is the subject of the enforcement notice has had a significant adverse effect on highway and pedestrian safety and conflicts with policy DM32 of the Council's adopted Development Management DPD.

Conclusion

10. The unauthorised development is harmful to the visual amenity of the area and to highway and pedestrian safety, and there are no conditions that would overcome the harmful effect of the development. The ground (a) appeal thus fails.

The ground (g) appeal

11. One month is insufficient time to comply with the requirements of the notice but the six months requested is excessive. A compliance period of three months strikes a balance between providing adequate time and the need to remedy the breach of planning control as soon as is reasonably possible. The ground (g) appeal succeeds and the enforcement notice has been varied accordingly.

John Braithwaite

Inspector