



Appeal Decision

No Site Visit Made

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th January 2026

Appeal Ref: APP/N4205/C/25/3368462

Land at and to the rear of 121 Radcliffe Road, Bolton BL2 1NU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Wahid Khan against an enforcement notice ("EN") issued by Bolton Metropolitan Borough Council.
 - The EN was issued on 2 June 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission, the erection of two timber buildings, a timber gazebo and play equipment.
 - The requirements of the EN are to:
 - i) Dismantle and remove from the land building "A" identified in the attached photograph;
 - ii) Dismantle and remove from the land building "B" identified in the attached photograph;
 - iii) Dismantle and remove from the land the gazebo identified in the attached photograph marked "C";
 - iv) Dismantle and remove from the land the play equipment identified in the attached photograph marked "D"; and
 - v) Remove from the land all materials resulting from compliance with steps (i) – (iv) above.
 - The period for compliance with the requirements is: 120 days after this Notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(e) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected by:

- *the deletion of the words "Without planning permission, the erection of two timber buildings, a timber gazebo and play equipment" and their substitution with the words "Without planning permission, the erection of two buildings, a gazebo and play equipment" in section 3 of the EN.*

Subject to the correction, the appeal is dismissed and the EN is upheld.

Matter Concerning the Notice

2. The breach of planning control alleged in the EN includes reference to *"two timber buildings"* and *"a timber gazebo"*. However, the requirements omit reference to the buildings and gazebo being constructed of timber. As it is necessary for the breach of planning control to be described consistently throughout the EN and there is no need for the building material to be identified in the allegation, I shall delete reference to *"timber"* within section 3 of the EN. As this correction is for precision, I am satisfied that it does not cause injustice to the main parties.

Preliminary Matters

3. The appeal is under ground (e) and therefore, the planning merits of the development are not relevant. As such, a site visit was not necessary as it would not help me reach a decision. I advised the main parties of my intention to

determine the appeal without a site visit. I have not received any comments from the main parties disagreeing.

4. I acknowledge the comments of interested parties. However, as the appellant has not appealed the EN under ground (a), I am unable to consider comments relating to the planning merits of the development.

Appeal on Ground (e)

5. An appeal under ground (e) is made on the basis that copies of the EN were not served as required. S172(2) of the 1990 Act requires a copy of an EN to be served (a) on the owner and occupier of the land to which it relates; and (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
6. The appellant asserts that he leases the land and the owner of the land, YSSJO Ltd has not received a copy of the EN. To support their assertion, a title register dated 23 June 2025 has been submitted that identifies the registered owner as YSSJO Ltd. The title register describes the land as *“lying to the north-east of Bradford Park Drive, Bolton”*. I have not been provided with a copy of the land registry plan and therefore, I am unclear if this address relates to the land identified in the plan attached to the EN.
7. Notwithstanding this, the title register states, *“This is not an official copy. It does not take into account if there’s a pending application with HM Land Registry. If you need to prove property ownership, for example, for a court case, you’ll need to order an official copy of the register”*. An official copy of the register has not been submitted. Even if the title register is correct, it is dated after the EN was issued on 2 June 2025. Therefore, it does not demonstrate that YSSJO Ltd was the landowner at the time the EN was issued.
8. Both the Council and an interested party state that Companies House records show that YSSJO Ltd was dissolved by compulsory strike off on 3 January 2023. This has not been disputed by the appellant. Therefore, I have no reason to disagree with this assertion. A dissolved company cannot own land as it ceases to exist as a legal entity. The EN was issued on 2 June 2025, more than two years after the company was dissolved. Therefore, YSSJO Ltd could not have been the landowner when the EN was issued.
9. Prior to issuing the EN, the Council served the appellant with a request for information as to the interests in the land under s330 of the 1990 Act. The appellant therefore had an opportunity to provide the Council with the ownership details of the land identified in the plan attached to the EN but failed to do so.
10. The Council has provided an official copy of a land register and an associated plan. However, the plan clearly excludes the land on which the breach of planning control has occurred. Furthermore, land ownership details provided within Certificate A for a planning application¹ to retain the development identified within the breach of planning control was dated almost a year prior to the issuing of the EN. Therefore, it is not conclusive of land ownership on the date the EN was issued. Accordingly, these matters do not assist me in determining the appeal.

¹ Planning Ref 18849/24

11. Although the EN was not served on YSSJO Ltd, there is no substantive evidence before me to suggest that they are the owners of the land, or they have any other interest in it. Therefore, on the evidence before me, I have no reason to find that the EN should have been served on them.
12. Consequently, the Council did not fail to serve copies of the EN on an owner or occupier of the land to which it relates, or any other person having an interest in the land. The EN was therefore served as required by s172 of the 1990 Act.

Conclusion

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with a correction.

A Berry

INSPECTOR