



Appeal Decisions

Site visit made on 26 February 2026

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

an Inspector appointed by the Secretary of State

Decision date: 27 February 2026

Appeal Refs: APP/E2340/C/25/3369167 and 3369168

Land to the rear of 6 The Old Sidings, Foulridge, Lancashire BB8 7GQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr V and Mrs K De Curtis against an enforcement notice issued by Pendle Borough Council.
 - The notice was issued on 17 June 2025.
 - The breach of planning control as alleged in the notice is the change of use from railway land to residential use.
 - The requirement of the notice is permanently remove from the land, all domestic items including the grassed areas, trampoline, gravel and stone, pallets, plant pots, storage facility, shed, concrete slab any item alien to the natural habitat of the Biological Heritage Site.
 - The period for compliance with the requirement is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d), (e) and (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeals are allowed and the enforcement notice is quashed.

Reasons

The ground (e) appeal

2. The Appellants have stated that “No evidence has been provided that the owners of the land (Railways) have been served a notice of whom we lease the land off”. Section 172(2)(a) of the Town and Country Planning Act 1990 (as amended) states that a copy of an enforcement notice shall be served on the owner and on the occupier of the land to which it relates. This statutory requirement cannot be ignored. The enforcement notice was not served on the owners of the land and service of the notice was not therefore carried out in accordance with section 172(2)(a).

3. The ground (e) appeals succeed and the enforcement notice is quashed. In this situation there is no need to consider the ground (b), (c), (d), and (f) appeals. The Council may decide to re-issue the notice and serve it in accordance with section 172(2)(a) of the Town and Country Planning Act 1990 (as amended).

John Braithwaite

Inspector