



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/25/3368980 and 3368981

Land to the rear of 8 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 D and Mrs N Dixon 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 of the land from railway land to residential land and the erection of a single story structure.
 - The requirements of the notice are: i. Permanently remove the single storey structure; and ii. Permanently remove any item alien to the natural habitat of the Biological Heritage Site.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c) and (g) 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

2. The Appellants have stated that “the land concerned is leased from the railway trust...” and “...the land is owned by the Railway Heritage Trust to which I lease the land from them in an annual agreement...”, and they repeat these facts elsewhere in their submissions. The enforcement notice was only served on the Appellants and was not served on the owners of the land. 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.

3. 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) of the Town and Country Planning Act 1990 (as amended). The Appellants did not make a ground (e) appeal but this is not relevant because the statutory requirement cannot be ignored. Furthermore, the owners of 6 The Old Sidings were served with a similar notice relating to the change of use of land which they also lease from the Railway Heritage Trust. They have made a ground (e) appeal which has been successful. It is important, in this regard, for there to be consistency in decision making.

4. The appeals succeed and the enforcement notice is quashed. 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