



Appeal Decision

Site visit made on 17 March 2026

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 16 APRIL 2026

Appeal Ref: APP/E2340/C/25/3358483

Field 3226, At junction with Reedymoor Lane, Whitemoor Road, Foulridge, BB8 7LX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Tony Philpott against an enforcement notice issued by Pendle Borough Council.
 - The notice was issued on 9 December 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the change of use of land for the siting of caravans and using those for residential purposes and using the land for the storage and parking of commercial vehicles.
 - The requirements of the notice are: (1) Cease using the land for the siting of caravans and for residential use. (2) Cease using the land for the parking and storage of commercial vehicles.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f), (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.
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Decision

1. 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.

Procedural Matter

2. The Pendle Local Plan Fourth Edition 2021 – 2040 (“the PLP”) was adopted on 18 December 2025 and forms part of the development plan for the area. The parties were given the opportunity to provide written comments regarding the PLP and how it applies to the development. These have been taken into account in the determination of this appeal.

Ground (b)

3. This ground of appeal is made on the basis that the matters alleged in the notice have not taken place.
4. The appellant argues that the caravans and vehicles on the site do not constitute a separate planning use but associated with the lawful equestrian use. They must prove their case on the balance of probabilities.
5. The evidence from the Council is that they were informed by the appellant that some of the commercial vehicles being stored on the site overnight were used in a landscaping/tarmacking business. This is corroborated by representations received from interested parties and photographs which show a variety of commercial vehicles including a dumper truck, digger and work truck and vans

parked on the site. It is evident from the photographs that the number and type of vehicles exceeds what would be required by the equestrian use permitted on the site, and the appellant has not offered any explanation for these vehicles during the appeal process.

6. There can be a lawful use of caravans sited on an equestrian site, but the appellant has not given details regarding the need or use of the two caravans in connection with the existing equestrian use.
7. The appellant has not shown that the alleged use has not taken place because it was ancillary to the lawful equestrian use on the balance of probabilities. The appeal on this ground fails.

Ground (a) and the deemed planning application

8. The appeal site is located in the Green Belt and the main issues are:
 - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (“the Framework”) and relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - Whether the development is at risk of flooding; and
 - Whether any harm by reason of appropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Green Belt Policy

9. The appellant argues that the appeal site is grey belt as defined in the Framework, which is a material consideration. The land may fall within the definition of grey belt and not strongly contribute to any of the Green Belt purposes set out in paragraph 143 a), b) or d), although this has not been shown in detail during this appeal.
10. In addition, the appellant has not shown that there is a demonstrable unmet need for this type of development i.e. for the mixed residential use and storage of commercial vehicles (or either separate component). It is not disputed that the Council can demonstrate a five-year housing land supply which is relevant when considering the residential use. It has therefore not been shown that the development should not be regarded as inappropriate under paragraph 155 of the Framework.
11. In addition, the development harms the openness of the Green Belt, both visually and spatially and has an urbanising effect on the immediate countryside in its vicinity.
12. The harm to the openness of the Green Belt caused by the development and by reason of its inappropriateness is in conflict with Policy SP07 of the PLP which reflects the provisions in the Framework. Policy DM09 of the PLP only permits development in the open countryside where it would accord with other named policies including in relation to the Green Belt, and so has not been met in this case.

Other matters

13. The Council did not identify the risk of flooding as a reason for issuing the notice, but it has been raised in a representation received from the Canal and River Trust who own and manage the nearby Lower Foulridge Reservoir. It is not clear in which Flood Zone classification the appeal site is located from the information submitted, but a site-specific assessment has not been provided which is required by the Framework as the land may be subject to flooding in case of a failure of the Reservoir¹.
14. Caravan sites intended for permanent residential use are classed as Highly Vulnerable development in the Framework, which also advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
15. Whether the development is appropriately flood resistant and resilient, and that any risk can be safely managed including the provision of safe escape routes as part of an agreed emergency plan has therefore not been adequately assessed. I give this consideration substantial weight.

Other considerations

16. There are no other considerations in this case which clearly outweigh the harm identified. Consequently the very special circumstances necessary to justify the development do not exist.

Conclusion

17. For the reasons set out above, the development is inappropriate in the Green Belt, and has not been properly assessed in terms of flood risk, and causes harm. The ground (a) appeal fails, and the deemed planning application is refused.

Ground (f)

18. Whilst the ground (f) appeal section was ticked on the appeal form, no specific arguments have been made by the appellant in relation to this ground. The planning merits of the development have been dealt with in relation to the dismissed ground (a) appeal. No lesser steps which would achieve the purpose of the notice, which is to remedy the breach of planning control, have been suggested or are obvious from the submissions.
19. The appeal on ground (f) therefore fails.

Ground (g)

20. The appellant seeks an extension for the compliance period to 6 months in order to raise the necessary funds to finance the works. However, the requirements are only to cease the material change of use and no physical works are required. As such, the compliance period of 2 months is proportionate and will allow the appellant reasonable time in which to make alternative arrangements for the storage of the commercial vehicles associated with the change of use, and to remove the caravans.
21. Whilst any residential use on the site must also cease, there is no information before me regarding the personal circumstances of the occupiers or if they would

¹ As required by FN 63 of the Framework.

need additional time. The compliance period of 2 months is therefore taken as being acceptable in relation to this use.

22. The appeal on ground (g) is dismissed.

Zoë Franks

INSPECTOR