



Appeal Decision

Hearing held on 7 July 2026

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 16 July 2026

Appeal Ref: APP/J2373/C/24/3353932

**Land at The Willows, South side of Worthington Road, Blackpool, Lancashire
FY4 5EH**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr James Lee against an enforcement notice issued by Blackpool Council.
 - The notice was issued on 17 September 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land for residential purposes, the erection of a single storey dwellinghouse, the construction of a hardstanding, structures and equipment associated with the residential development, children's outdoor play equipment and the siting of touring/static caravan and motorhome vehicles.
 - The requirements of the notice are to:
 - i. Cease the use of the land for residential purposes;
 - ii. Demolish the single storey dwelling house and remove from the land all the materials used for the construction of the single storey dwelling house in its entirety.
 - iii. Break up and remove all the laying of hardcore materials from the land;
 - iv. Remove from the land all touring/static caravans and motorhome used for residential purposes.
 - v. Remove from the land all associated structures, equipment, materials and children's play equipment brought onto the land for the purposes of such residential use;
 - vi. Restore the land to its pre-development conditions before the unauthorised works commenced.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected by:
 - the deletion of the words "siting of touring/static caravan and motorhome vehicles" and the substitution of the words "parking of touring caravans and motorhome vehicle" in paragraph 3.
 - the deletion of the words "CS16" in paragraph 4, and
 - the deletion of the words "touring/static caravans and motorhome used for residential purposes" and the substitution with the words "touring caravans and motorhome vehicle;" in paragraph 5. iv.
2. It is directed that the enforcement notice is varied by:
 - The deletion of "Three Months" and its substitution with 12 months as the time for compliance.

3. Subject to the corrections and variation, the appeal is dismissed and the enforcement notice is upheld.

Background and Planning History

4. It is understood that the Land was purchased by the appellant in October 2021. In April 2022 the appellant and his family moved onto the Land with caravans/motorhome and a portable toilet. The family advised the Council that it was their intention to develop the site as a permanent home and had instructed a planning agent to draw up plans. Following the laying of a concrete base in August 2022, the appellant submitted a planning application for the erection of a single-storey dwelling with associated hardstanding. The application was subsequently withdrawn in November 2022 with a view to re-submitting once the Marton Moss Neighbourhood Plan (NP) had been through its referendum.
5. Work continued on the Land with the delivery of building materials and the construction of a dwelling. A retrospective planning application for the single-storey dwelling and hardstanding was submitted to the Local Planning Authority (LPA) on 24 October 2023 and the NP was Made in late November 2023. The planning application was refused by a notice dated 1 February 2024. Following a visit to the site in August 2024, the Council noted that the dwelling was occupied and the caravans remained in use.

The Enforcement Notice

6. The enforcement notice was issued on 17 September 2024 and alleged:

“Without planning permission, the material change of use of the land for residential purposes, the erection of a single storey dwelling house, the construction of hardstanding, structures and equipment associated with the residential dwelling, children’s play equipment and the siting of touring/static caravan and motorhome vehicles.”

The appeal was made on ground (a), that planning permission should be granted for what is alleged in the notice.

7. Section 174(2A) of the Town and Country Planning Act, 1990 (as amended) (the Act), states that an appeal may not be brought on the ground specified in subsection (2)(a) (i.e. that planning permission should be granted for what is alleged in the notice) if –

- (a) the land to which the enforcement notice relates is in England, and
- (b) the enforcement notice was issued at a time after the making of an application for planning permission that was related to the enforcement notice.

Subsection 2AA states that, for the purposes of subsection (2A) –

- (a) an application for planning permission for the development of any land is related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control;

(b)

Subsection 2AB states that subsection (2A) does not apply if

- (a) The application for planning permission has ceased to be under consideration; and
- (b) The enforcement notice was issued after the end of the period of two years beginning with the day on which the application ceased to be under consideration.

Subsection 2AC states that for the purposes of subsection (2AB), an application for planning permission has ceased to be under consideration if -

- (a) The application was refused, or granted subject to conditions, and, in the case of an application determined by the local planning authority, the applicant did not appeal under section 78(1)(a);
- (b) ... (c)

8. On submission of the appeal, the initial assessment by the Planning Inspectorate was that ground (a) was not barred by virtue of Section 174 (2A). On the evidence then available, it was considered that the alleged breach of planning control included a material change of use of the Land to residential and the siting of caravans, and the requirements included a requirement to remove from the Land all caravans used for residential purposes. Thus, it appeared that the development alleged was for a wider development than that which had been refused by the LPA in February 2024, which had been for the construction of a single storey dwellinghouse with associated hardstanding (operational development).
9. Prior to the Hearing, the Council wrote to the Inspector setting out why they believed ground (a) should be barred¹. They requested the Inspector reconsider the provisional position that ground (a) is not barred, giving their view that had the retrospective application been granted, planning permission would have been granted for the erection of the dwelling and associated hardstanding, and both of those developments are expressly identified within the EN as constituent elements of the alleged breach. Thus, the development is related to the enforcement notice and having regard to Section 174(2AA) (a), ground (a) should be barred.
10. The Planning Inspectorate invited comments from the appellant and advised the main parties that the matter would be discussed at the Hearing where a ruling would be made.
11. Following my opening at the Hearing I asked the LPA for what purpose the alleged siting of caravans on the Land were being used for. Were the LPA alleging the caravans use as separate residential occupation, or were the caravans in use ancillary to the occupation of the dwelling? The LPA advised that when the caravans were first brought onto the Land, they were in residential occupation prior to the dwelling being constructed. However, their allegation was not that the caravans are in use for separate occupation to the dwelling, they consider them to be ancillary to the change of use of the Land to residential and construction of the dwelling with associated hardstanding. The Council confirmed that they were not alleging the use of the site by Gypsy and travellers as a caravan site, and that the

¹ Letter to PINS from Blackpool Council, dated 30 June 2026.

EN and breach are directed at the construction of the dwelling and hardstanding and the Land's use for residential purposes.

12. The appellant advised that there had never been a static caravan on the Land and that the larger caravans and motorhome which were first brought onto the Land had been sold to finance the construction of the dwelling. The two small tourers he now has parked on the Land are for his own personal use and not in separate residential use.
13. From what I heard at the Hearing, I have established that the EN is directed at the construction of the single storey dwelling with associated hardstanding. Although I have seen written evidence and heard about the appellant's Gypsy and traveller status, I am satisfied from what I heard at the Hearing that the EN is not alleging the material change of use of the Land for the stationing of caravans for residential use by Gypsy and travellers.
14. The parties agreed that the breach of planning control alleged in the EN should be corrected to remove reference to a static caravan and to clarify that the caravans/motorhomes are parked on the site and not stationed for any residential purpose. Consequently, requirement (iv) in paragraph 5 of the EN should remove reference to use of caravans for residential purposes. The parties agreed that those corrections would not result in any injustice to either party. At the appellant's request and with no objections being raised by the LPA, I have also deleted reference to Policy CS16 of the Core Strategy Policies, as Policy CS16 relates to Traveller Sites and is not therefore relevant to the breach of planning control alleged in the EN.
15. The Council refused to grant planning permission for the erection of a single storey dwelling with associated hardstanding (retrospective application) on 1 February 2024². The EN is dated 17 September 2024 and considering my findings in relation to the breach of planning control alleged in the EN and subject to the corrections set out in the paragraphs above, Section 174 (2A) of the Act applies, and the appellant's ground (a) is barred from my consideration in this appeal.

Appeal on ground (g)

16. The issue is whether the compliance period is reasonable. Although the appellant did not originally make the appeal on ground (g), I have a duty to get the EN in order and to exercise my duty under the Human Rights Act, 1998. Article 8, a Convention Right³, affords a person the right for their private life, their home and their correspondence. It is a qualified right that requires a balance between the rights of the individual and the needs of the wider community. Under the Equality Act 2010, I will also have regard to the public sector equality duty (PSED).
17. The EN requires that all the requirements set out in paragraph 5 are complied with within three months of the EN taking effect. A period of three months is not a reasonable period for the site occupiers to find a new home, demolish their existing home and restore the Land to its previous condition. I am also mindful of the best interests of the three children who are living on the site and I understand the children do not attend school in the local area and are home schooled.

² LPA Ref: 23/0785.

³ Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998.

18. In response to my question the appellant said that he considered a period of 24 months would be a more reasonable period within which to comply with the EN. The Council advised that a period of six or twelve months would be reasonable.

19. There would need to be exceptional circumstances to extend the compliance period beyond one year, and this is not a case where consideration should be given to a grant of temporary consent, for example, because there is a likely change in planning policy or the need for a trial period to assess the impact of the development. Thus, the decision that I have come to is that a period of 12 months would be proportionate and a more reasonable time frame within which the appellant could comply with the notice.

Conclusion

20. For the reasons given above, I conclude that the period of compliance with the EN falls short of what is reasonable. The appeal on ground (g) succeeds to that extent. I shall vary the notice prior to upholding it with corrections.

Elizabeth Pleasant

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Alan Morris, Briarcroft Projects	Agent
Mr James Lee	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Dawn Goodall	Head of Legal Services
Karon Taylor	Senior Planning Officer
Craig Walker	Planning Enforcement Officer

INTERESTED PARTIES:

Michael Paylor	Neighbouring Resident
Wendy Paylor	Neighbouring Resident
Nicola Powell	Neighbouring Resident.