



Appeal Decision

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2026

Appeal Ref: APP/T2350/C/25/3376742

Lanmd at Pro Pysique 24 Hour Gym , Unit 16, Baublock Blackburn Road, Simonstone, Burnley BB12 7FS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Group First Global Limited against an enforcement notice issued by Ribble Valley Borough Council.
 - The enforcement notice was issued on 14 November 2025.
 - The breach of planning control as alleged in the notice is failure to comply with a condition imposed on a planning permission ref 3/2020/0990 granted on 11 January 2021.
 - The development to which the permission relates is construction of four business units on land adjacent to existing business units.
 - The condition in question is no 4 which states that: Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended or re-enacted) the business units hereby approved shall only be used for the purposes of business (those uses falling within the former use Class B1 (Use Class E(g) from the 1 September 2020) or B8 and for no other purpose, including any other purpose within Use Class E. .
 - The notice alleges that the condition not been complied with in that: Unit 16 is now operating as a gym within Use Class E(d) which does not fall within either of the permitted use classes.
 - The requirements of the notice are to: Cease the use as a gym of Unit 16, Baublock, Simonstone Business Park, Blackburn Road, Simonstone BB12 7FS.
 - The period for compliance with the requirement is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) & (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is allowed on ground (g) and it is directed that the enforcement notice is varied by the deletion of 4 months and its substitution with 6 months as the period for compliance. Subject to this variation, the enforcement notice is upheld.

Preliminary Matters

2. Considering the matters at appeal it was not necessary for a site visit to be conducted. I have thus made my decision based on the evidence submitted as part of the appeal process.

Appeal on ground (f)

3. Section 173 of the Town and Country Planning Act 1990 (as amended) indicates that there are two purposes which the requirements of an enforcement notice can seek to address. The first is to remedy the breach of planning control that has occurred and the second to remedy any injury to amenity which has been caused by the breach. In this case the purpose behind the notice is to remedy the breach of planning control.

4. In summary the appellant's case is that it is excessive to require the use to cease. It is submitted that the gym has a positive impact on the health of the community and employs local people. There is no harm to highway safety, sufficient parking and no noise nuisance. It is suggested that a number of steps could be taken to help restrict the number of people coming to the gym at any one time, including altering trading times, online booking, etc, which could be addressed through enforceable conditions.
5. However, in this case there is no appeal on ground (a), and thus general planning considerations cannot be considered when determining an appeal on ground (f) and the notice cannot be varied to attack its substance. Therefore, there are no lesser steps available to me which would achieve the statutory purpose behind the notice and the appeal on ground (f) must fail.

Appeal on ground (g)

6. The issue is whether the compliance period of four months is reasonable. The appellant considers that the time period is too short for him to find suitable premises to relocate his business to and if he must make redundancies, for his employees find alternative employment. He suggests a period of twelve months would be more reasonable.
7. I recognise that four months is a relatively short period of time to find alternative premises and relocate a business. However, I am also mindful of the harm identified by the local planning authority in relation to highway/pedestrian safety and neighbouring uses. The conclusion that I have therefore reached is that a period of six months would be more reasonable in this instance. To this extent the appeal on ground (g) succeeds.

Conclusion

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

Elizabeth Pleasant

INSPECTOR