

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/T2350/C/24/3337005

A. APPELLANT DETAILS

Name	Mr David Parkinson
Address	9 Old Road Chatburn CLITHEROE BB7 4AB
Phone number	[REDACTED]
Email	[REDACTED]
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice? Yes No

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes No

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Ribble Valley Borough Council
LPA reference number (if applicable)	22170
Date of issue of enforcement notice	10/01/2024
Effective date of enforcement notice	14/02/2024

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes No

Address

9 Old Road
Chatburn
CLITHEROE
BB7 4AB

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes No

What is your/the appellant's interest in the land/building?

Owner

Tenant

Mortgagee

None of the above

E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes No

(a) That planning permission should be granted for what is alleged in the notice.

(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").

The facts are set out in

see 'Appeal Documents' section

(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

(e) The notice was not properly served on everyone with an interest in the land.

(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes No

2. Hearing

3. Inquiry

G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes No
2. Are there any planning reasons why a fee should not be paid for this appeal? Yes No
- the box below

We believe that this is permitted development and as such does not require Planning permission

H. OTHER APPEALS

- Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes No

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:
 see '[Appeal Documents](#)' section
02. Plan (if applicable and not already attached)
 see '[Appeal Documents](#)' section

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Mr David Parkinson

Date

16/01/2024 14:22:57

Name

Mr David Parkinson

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@planninginspectorate.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	GROUPS AND FACTS
Document Description:	Facts to support that there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").
File name:	RVBC Letter.pdf
File name:	My Reply to original letter.pdf
File name:	CCTV Location.jpg
File name:	RVBC Enforcement Notice.pdf
File name:	The facts and case for the appeal..pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The Enforcement Notice.
File name:	RVBC Enforcement Notice.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. The Plan.
File name:	CCTV Location.jpg
Completed by	MR DAVID PARKINSON
Date	16/01/2024 14:22:57

RIBBLE VALLEY BOROUGH COUNCIL

please ask for: Mr Steve Maggs

direct line: [REDACTED]

e-mail: [REDACTED]

my ref: 22170

your ref:

date: 19th May 2023

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Switchboard: 01200 425111

[REDACTED]
www.ribblevalley.gov.uk

Dear Mr D Parkinson

**RE: PLANNING CONTRAVENTION NOTICE.
RE: POLE MOUNTED CCTV CAMERA AT 9 OLD ROAD CHATBURN CLITHEROE
LANCASHIRE BB7 4AB.**

Please find attached a Planning Contravention Notice relating to the above location. A formal response is required within 21 days.

Yours faithfully

Steve Maggs
Planning Enforcement Officer

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY



Ribble Valley
Borough Council
www.ribblevalley.gov.uk

**TOWN AND COUNTRY PLANNING ACT 1990 (“TCPA 1990”)
PLANNING CONTRAVENTION NOTICE**

Served by: The Ribble Valley Borough Council (“*the Council*”).

To: Mr David Parkinson 9 Old Road Chatburn Clitheroe BB7 4AB

1. PLANNING CONTRAVENTION NOTICE

This is a formal notice served by the Council because it appears that there may have been a breach of planning control, within section 171A(1) of the TCPA 1990, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations, in, on, over, or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3) of the TCPA 1990, so far as you are able, to provide certain information about interest in, and activities on, the land.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at 9 Old Road Chatburn Clitheroe Lancashire BB7 4AB shown edged red on the attached plan (“*the Land*”).

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

The Council considers that there may have been a breach of planning control in respect of the Land in that the following activities and uses appear to be taking place on it.

- 3.1 The erection and installation of a pole mounted CCTV camera (without planning consent) which exceeds “Permitted Development rights for householders.

4. WHAT YOU ARE REQUIRED TO DO

You must provide, in writing, information in response to the following questions, so far as you are able to answer them.

- 4.1 What is the nature of your interest in the land (eg are you the landowner)
- 4.2 What is/are the name(s) and postal address(es) of any other person known to you who may have an interest in the land?
- 4.3 Did you install or did someone else on your behalf. install a pole mounted CCTV camera on the western elevation, within 1 metre of the boundary of 9 Old Road Chatburn and the land adjacent to it?
- 4.4 If the answer is “yes” to question 4.3, when did such installation occur?
- 4.5 Did you seek planning consent to erect and install the pole mounted CCTV camera, prior to installation?
- 4.6 If the answer is “yes” to question 4.5, please provide the planning consent reference number and which Local Planning Authority, gave such permissions?
- 4.7 Were you aware that planning consent was required for the pole mounted CCTV camera before the installation?
- 4.8 If the answer is “yes” to question 4.7 why was no such planning application submitted to the Local Planning Authority?
- 4.9 Do you intend to submit a planning application in respect of the pole mounted CCTV camera?
- 4.10 If the answer is “yes” to question 4.9, please provide a time frame when an application can be expected to be submitted to the Local Planning Authority.
- 4.11 What is the purpose of the pole mounted CCTV camera?
- 4.12 Has the relevant signage been displayed on the land advising that CCTV is in use/recording?
- 4.13 If the answer is “yes” to question 4.10 please provide evidence of the signage displayed and from when it was displayed.

4.14 Were you aware that relevant signage must be displayed in relation to the use of domestic CCTV cameras?

5.0 In addition, please provide any further information you may have, which hasn't been included in your answers above, about:

- a. **the operations being carried out on the Land, the use of the Land and any other activities being carried out on the Land; and**
- b. **any matter relating to the conditions or limitations subject to which any planning permission in respect of the Land has been granted.**

All of the above **information must be provided within twenty-one days**, beginning with the day on which this notice is served on you.

6. WARNING

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence.

It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.

7. ADDITIONAL INFORMATION

If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the TCPA 1990, requiring the breach, or any injury to amenity caused by it, to be remedied.

If the Council serve a stop notice, under section 183 of the TCPA 1990, section 186(5)(b) of the TCPA 1990 provides that should you otherwise become entitled to compensation for loss or damage attributable to that notice, under section 186 of the TCPA 1990, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Dated:

Signed:

Nicola Hopkins, Director of Planning and Economic Development

On behalf of: Ribble Valley Borough Council, Council Offices, Church Walk,
Clitheroe, BB7 2RA

A COPY OF THIS NOTICE HAS ALSO BEEN SERVED ON:

David Parkinson
9 Old Road Chatburn
Clitheroe BB7 4AB
26th May 2023

Town and Country Planning Act 1990 – Contravention Notice – Response.

Dear Sir or Madam

Please find attached the response to your letter of 19th May 2023 – ref: 22170

4.1 Landowner

4.2 N/A

4.3 Yes date of installation: 31st Jan 2023

4.4 date of installation: 31st Jan 2023

4.5 No. I was not aware planning permission was required.

4.6 N/A

4.7 No

4.8 N/A

4.9 NO, as I was told by the officer who visited, that planning would be refused.

4.10 N/A

4.11 To protect my property from incursion by person or persons unknown

4.12 No signage has been erected. The Office of the Information Commissioner website does not require signage for domestic CCTV installations.

<https://ico.org.uk/for-the-public/domestic-cctv-systems/#rules>

4.13 N/A

4.14 No. Advice gathered from the The Office of the Information Commissioner, does not say anything about signage, except to say that any signage may deter trespassers.

The rules on the ICO website are:

What are the rules about domestic CCTV?

Data protection law says that people who capture images or audio recordings from outside their property boundary using a fixed camera, such as a CCTV camera or smart doorbell, should:

1. tell people that they are using recording equipment;
2. in most circumstances, provide some of the recording if asked by a person whose images have been captured;
3. regularly or automatically delete footage;
4. in most circumstances, delete recordings of people if they ask; and stop recording a person if they object to being recorded, but only if it is possible to do so. For example, if they can point the camera in a different direction but still use it for the same purposes, eg keeping their property safe.

5.0 No operations are being carried out on the Land other than domestic living.

Most of the questions seem to be designed for business or commercial CCTV planning regulations and while Mr Maggs has pointed out that I'm in breach of planning control, its due to the proximity of the wall of the house where the CCTV is installed being less than one metre from the boundary, resulting in the CCTV being 500mm too close to the boundary as claimed by Mr Maggs.

I have been unable to find any documents that detail this requirement, even though I researched the use of domestic CCTV on government websites and on the Planning Portal, which offers advice on such matters:

CCTV - Planning permission - <https://www.planningportal.co.uk/permission/common-projects/security/cctv>

Many homeowners choose to install CCTV on their land to catch and deter intruders.

Planning permission is not normally required for installing a CCTV camera, though if you live in a listed building or conservation area you should check with your local planning authority.

You are allowed up to 16 Cameras on buildings with no more than 4 on a single wall. The size of the cameras cannot exceed 0.75 by 0.25 by 0.25 metres. They cannot be placed less than 2.5 metres above ground level or within 10 metres of another camera. **The camera cannot protrude more than 1 metre or be within 1 metre another wall.** (sic)

I would therefore be grateful if you can point me to the relevant legislation that refers to domestic installation of CCTV, which requires the camera to be more than 1 metre from the Land boundary, the advice above specifically states a wall not a boundary.

Also prior to the installation, I contacted nearby residents, all of whom have children, whose properties would be overlooked. Without exception they welcomed the camera installation, as it would serve to protect their properties similarly. They all currently have their own domestic CCTV, but they are of poor quality and do not provide adequate coverage. The other land overlooked is pastureland, currently unused but with Planning permission for a single dwelling. No work has started on this site. Obviously once this dwelling is occupied, I intend to remove the CCTV, as its purpose completed and it would be looking at a blank wall.

Regarding signage, even though I do not seem to be required by law to install signage, I now believe it to be a useful further deterrent to intruders and will be installing signage shortly.

Yours sincerely



David Parkinson



RIBBLE VALLEY BOROUGH COUNCIL

please ask for: Steve Maggs
direct line: [REDACTED]
e-mail: [REDACTED]
my ref: 22170
your ref:
date: 10th January 2024

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Switchboard: 01200 425111
[REDACTED]
www.ribblevalley.gov.uk

Dear Mr Parkinson

Breach of Planning Control on land at 9 Old Road Chatburn, Clitheroe, BB7 4AB (the Land).

Ribble Valley Borough Council ("the Council") is the Local Planning Authority ("LPA") in respect of the Ribble Vally area in which the land is situated.

You are the owner of the land and I now serve an Enforcement Notice upon you as the owner of the land.

If you do not appeal against this enforcement notice, it will take effect on the 14th February 2024 and you must ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of this notice. Failure to comply with the Notice once it has taken effect can result in prosecution and/or remedial action by the Council.

If you wish to appeal against this notice, the steps, which you must take and the grounds upon which you may appeal are set out in the annex to the Notice.

Yours Faithfully

[REDACTED]
Steve Maggs
Enforcement Officer

Lancashire Map

Author:

Date Created: 29/11/2023



Enforcement Notice

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)

ENFORCEMENT NOTICE (BREACH OF CONDITION)

Issued by: Ribble Valley Borough Council (the Council)

1. ENFORCEMENT NOTICE

This is a formal notice issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (b) of section 171A(1) of the TCPA 1990, at the Land. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to all other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND AFFECTED BY THIS NOTICE

Land at 9 Old Road, Chatburn, Clitheroe, BB7 4AB, shown edged red on the attached plan (the Land).

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

The installation of a Closed-Circuit Television Camera on the western elevation of 9 Old Road, Chatburn, Clitheroe, BB7 4AB.

The CCTV camera, as erected, does not fall to be considered permitted development in accordance with Schedule 2, Part 2 Class F of the Town and Country Planning (General Permitted Development) (England) Order, in that the development fails to comply with condition F.2 (a) of Class F. The camera is not, so far as practicable, sited so as to minimise its effect on the external appearance of the building on which it is situated.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The development results in a visually prominent feature, which does not assimilate into the character and appearance of either the host dwelling or the surrounding area.

The unauthorised development is contrary to Policy DMG1 of the Ribble Valley Core Strategy.

5. WHAT YOU ARE REQUIRED TO DO

Remove the CCTV camera and its associated brackets and housings from the western elevation of 9 Old Road, Chatburn, Clitheroe, BB7 4AB.

6. TIME FOR COMPLIANCE

The period for compliance with the steps set out in paragraph 5 is eight weeks from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 14th of February 2024, unless an appeal is made against it beforehand.

Date: 10th January 2024

Signed:  .

Nicola Hopkins

Director of Economic Development and Planning on behalf of Ribble Valley Borough Council of Council Offices, Church Walk, Clitheroe, BB7 2RA

ANNEX

Ribble Valley Borough Council has issued an enforcement notice relating to land at 9 Old Road, Chatburn, Clitheroe, BB7 4AB and you are served with a copy of that notice as you have an interest in the Land.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0303 444 5000 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

You MUST make sure that PINS receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:

- The name of the local planning authority.
- The site address.
- Your address.
- The effective date of the enforcement notice.

PINS MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate

CST Room 3/13

Temple Quay House

2 The Square

BRISTOL BS1 6PN

Direct line: 0303 444 5000

Fax number: 0117 372 8782

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- Those matters have not occurred.

- Those matters (if they have occurred) do not constitute a breach of planning control.
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach.
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £516.00 You should pay the fee to Ribble Valley Borough Council.

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice, and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring, you to do so within 14 days.

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Persons served with a copy of this enforcement notice are as follows:

David Parkinson of 9 Old Road, Chatburn, Clitheroe, BB7 4AB.

Notice of enforcement - CCTV Camera at 9 Old Road, Chatburn BB7 4AB

At the beginning of 2023, following problems the previous year, when unsavoury individuals were gathering close to my house selling and taking drugs, I considered the installation of a CCTV camera.

My House is adjacent to a small pastureland area, which has been granted planning permission, however the owner has built a ladder and stile over the wall between the land and Old Road, giving easy access to my and my neighbours properties, via the side or back gardens.

I contacted my neighbours at 2 and 3 Hare Hill Croft, who would be in direct view of the camera and they were enthusiastic in agreeing my plan for the camera, as it would protect their properties too and we agreed that they could have access to the camera and footage, if they wished.

The local installer came and inspected the property, but due to the very close proximity of the house wall to the boundary fence (36 inches) and the roof line that overhangs the wall by approximately 12 inches, he recommended that the camera would need to be mounted on a bracket so that the camera could look left and right to see the full length of my garden, front and rear. I then again discussed this with my neighbours, who said this was not an issue from their point of view.

So I had the camera installed in February 2023. However in March I received a letter from RVBC saying that a complaint had been made anonymously about the camera. It was not my neighbours, but most likely the owner of the land next to my property.

I agreed to a visit from an officer from RVBC Planning, who was sympathetic, but stated that although planning permission is not normally required for a CCTV, because it was within 1 metre of the boundary, it was not allowed. At no time did he express any concerns about the effects on the external appearance of the building.

I phoned the The Office of the Information Commissioner (ICO) and was guided to the appropriate section of the website, where it stated "You are allowed up to 16 Cameras on buildings with no more than 4 on a single wall. The size of the cameras cannot exceed 0.75 by 0.25 by 0.25 metres. They cannot be placed less than 2.5 metres above ground level or within 10 metres of another camera. The camera cannot protrude more than 1 metre or be within 1 metre another wall. (sic)"

I then received a form from RVBC, requesting further details of the CCTV, to which I replied on the 26th May 2023, requesting what planning regulation I had breached and pointing out that the ICO rule said "wall" not "Boundary" in its 1 metre rule, which left me confused about the reason for the apparent Planning breach.

I did not receive a reply and have received no further communication from RVBC on this matter, until the enforcement notice on the 10th January 2024

My reasons for this appeal is that the camera is sited in the only practicable position to allow me to surveil the whole of the edge of my garden and the field through which perpetrators would likely gain access. RVBC have not informed me prior to the enforcement notice that there was an issue with the external appearance of the house, nor offered me any advice on how to alter the location to conform to their requirements, without compromising the view of the camera. In fact no prior communication on the alleged breach at all.