

## 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.

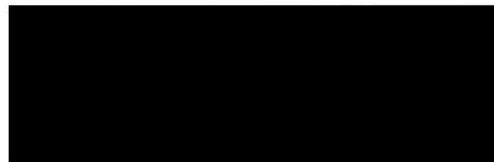
**Appeal Reference: APP/T2350/C/24/3340452**

#### A. APPELLANT DETAILS

Name

Mr. Michael Reilly

Address



Preferred contact method

Email  Post

#### 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

**Additional Appellant:** Mrs Candice Reilly  
**Appeal Reference:** APP/T2350/C/24/3340453

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes  No

Name

Mr Joshua Hellawell

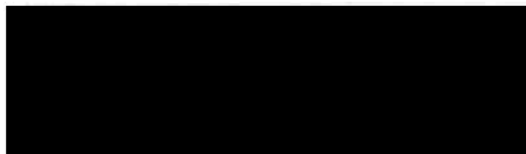
Company/Group Name

PWA Planning

Address

Unit 2, Lockside Office Park  
Lockside Road  
PRESTON  
PR2 2YS

Phone number



Email

Preferred contact method

Email  Post

#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Ribble Valley Borough Council

Date of issue of enforcement notice

09/02/2024

Effective date of enforcement notice

12/03/2024

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes  No

Does the appeal relate to an existing property?

Yes  No

Address

Thorneyholme Hall  
Dunsop Bridge  
CLITHEROE  
BB7 3BB

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.

The facts are set out in

see 'Appeal Documents' section

(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.

The facts are set out in

see 'Appeal Documents' section

## F. CHOICE OF PROCEDURE

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

1. Written Representations

2. Hearing

You must give detailed reasons below or in a separate document why you think a hearing is necessary. The reasons are set out in

the box below

[see 'Appeal Documents' section](#)

Is there any further information relevant to the hearing which you need to tell us about? Yes  No

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

a) the date of the relevant application

b) the date of the LPA's decision (if any)

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes  No

If no, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in the explanatory note accompanying your Enforcement Notice.

## 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

**Date**

11/03/2024 15:21:37

**Name**

Mr Joshua Hellowell

**On behalf of**

Mr. Michael Reilly

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:

<b>Relates to Section:</b>	GROUNDS AND FACTS
<b>Document Description:</b>	Facts to support that planning permission should be granted for what is alleged in the notice.
<b>File name:</b>	Grounds and Facts - Supporting Doc.pdf
<b>Relates to Section:</b>	GROUNDS AND FACTS
<b>Document Description:</b>	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").
<b>File name:</b>	Grounds and Facts - Supporting Doc.pdf
<b>Relates to Section:</b>	GROUNDS AND FACTS
<b>Document Description:</b>	Facts to support why the time given to comply with the notice is too short. Also state what you consider to be a reasonable compliance period, and why.
<b>File name:</b>	Grounds and Facts - Supporting Doc.pdf
<b>Relates to Section:</b>	CHOICE OF PROCEDURE
<b>Document Description:</b>	Document containing detailed reasons why a hearing is necessary.
<b>File name:</b>	Grounds and Facts - Supporting Doc.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. The Enforcement Notice.
<b>File name:</b>	Enforcement Notice.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	02. The Plan.
<b>File name:</b>	Site Plan.pdf

**Completed by** MR JOSHUA HELLAWELL

**Date** 11/03/2024 15:21:37



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990

## ENFORCEMENT NOTICE - (OPERATIONAL DEVELOPMENT)

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TO: Michael Joseph Reilly and Candice Reilly



ISSUED BY RIBBLE VALLEY BOROUGH COUNCIL ("the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a), section 171A of the Town and Country Planning Act 1990, at the land described below. It is considered expedient to issue this Notice, having regard to the provisions of the development plan and 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**

Land at Thorneyholme Hall, Newton Road, Dunsop Bridge BB7 3BB shown edged red on the attached plan.(The Land).

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, a detached outbuilding, with associated decking, artificial grassed areas and lighting has been erected, with a footprint of approximately 184 Sq. metres on the land at Thorneyholme Hall.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The outbuilding, which has been erected, creates an incongruous and over dominant feature within the Forest of Bowland National Landscape. The outbuilding, by virtue of its scale, design, and choice of materials, harms the intrinsic beauty and tranquillity of the National Landscape in direct conflict with Key Statements EN2, EC3 and policies DMG1, DMG2, DMB1 and DMB3 of the Adopted Ribble Valley Core Strategy 2008 – 2028.

The outbuilding is sited within flood zones 2 and 3. At a national level planning policy seeks to steer new development to areas with the lowest risk of flooding. The erection of a new building within a high-risk area of flooding directly conflicts with policy DME6 of the Adopted Ribble Valley Core Strategy 2008 – 2028 and the National Planning Policy Framework.

The Council do not consider that planning conditions could be used to overcome the conflict with local and national planning policy.

**5. WHAT YOU ARE REQUIRED TO DO**

Remove the outbuilding (for which there is no planning permission) and associated infrastructure including decking, artificial grassed areas, and lighting and return the land to residential garden.

**6. TIME FOR COMPLIANCE**

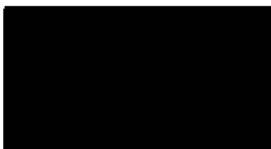
Twelve weeks from the date this Notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 12<sup>th</sup> of March 2024 unless an appeal is made against it beforehand.

Dated: 09<sup>th</sup> February 2024

Signed



Nicola Hopkins

Designation: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

Address to which all communications should be sent:

Ribble Valley Borough Council  
Development Control Department  
Council Offices  
Church Walk  
CLITHEROE  
Lancashire BB7 2RA



## ANNEX

Ribble Valley Borough Council has issued an enforcement notice relating to land at Thorneyholme Newton Road, Dunsop Bridge BB7 3BB and shown edged red on the attached plan, 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](http://www.planningportal.gov.uk/pcs)).
- By getting enforcement appeal forms from the Planning Inspectorate on 0117 372 6372 or by e-mailing the Planning Inspectorate at [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk).

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.

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 3/05  
Temple Quay House  
2 The Square  
BRISTOL BS1 6PN

Direct line: 0117 372 6372  
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 £924:00 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:**

Michael Joseph Reilly and Candice Reilly, [REDACTED]

A copy of this notice has also been attached on the land to which it relates.

## **THORNEYHOLME HALL, NEWTON ROAD, DUNSOP BRIDGE, BB7 3BB- Grounds and Facts**

### **Grounds for appeal under ground A (s.174(2)(a))**

The appellant will make reference to various parts of the Council's Development Plan, this will include but will not be limited to:

- Ribble Valley Borough Council Core Strategy 2008 – 2028 (2014)

The Appellant will make reference to national policy and guidance:

- National Planning Policy Framework (2023)
- National Planning Policy Guidance – online
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

With regard to the justification for the development and why it should receive planning permission, the case will relate namely to the following:

- The similarities between the development as built and that previously consented under application 3/2021/1084, in terms of scale, design and relationship to the host building.
- The relative scale of the building in the context of Thorneyholme Hall, which is a dwelling of significant scale and grandeur.
- The general lack of prominence, given the set back nature of development and choice of materials.
- The fact the area was previously occupied by a garage and as such any assessment should be limited to the development that is in excess of the previous garage.
- In relation to scale, regard should be had for the size, extent and number of outbuildings that could be constructed under Permitted Development Rights.
- The implications with regard to sustainable development on demolishing the structure.

### **Grounds for appeal under ground C (s.174(2)(c))**

The position of the appellant is that planning permission for the building in question does exist and hence it is not unlawful.

The building as erected was consented as part of planning application 3/2021/1084, this was a part retrospective application which obtained a use for the building as a cookery school, whilst also changing the use of the main dwelling into accommodation to serve those taking cookery classes.

This permission expires in January 2025 and as such, whilst the use is not yet operational, the Appellant still has ample time to get ensure it is prior to the expiry of the consent. Furthermore, sufficient progress has been made on preparing the site for such a use, especially within Thorneyholme Hall, as to evidence a desire to progress development.

It is intended that as part of the appeal, further context will be given to the building's planning history given a previous permission for a cookery school was also provided in August 2017 (app ref: 3/2017/0408).

### **Grounds for appeal under ground G (s.174(2)(g))**

The position of the Appellant is that longer should be given for all compliance periods. This is namely due the need to establish a use for the building, via a new planning application, given this would be an inherently more sustainable outcome than requiring demolition.

As part of the most recent planning application for a hotel use (app ref: 3/2022/0942), the Council, in refusing the application cited that the building was permissible as part of the cookery school proposal as it was necessary to support a cookery school business and delivered associated economic development benefits. Such a requirement/benefit was not perceived to exist as part of the hotel use. The appellant fundamentally disagrees with this position and requests a further compliance period to evidence other uses (C1 and C2) would clearly deliver such benefits. Of course this is only necessary in a situation whereby the Inspector does not agree that such planning permission already exists (see ground C).

### **Choice of Procedure**

#### **Request for a hearing**

It is requested by the Appellant that the Hearing Procedure is followed for this appeal under the Town and Country Planning (Hearings Procedure (England) Rules 2000 (Statutory Instrument 2000/1626), as amended by the Town and Country Planning (Hearing and Inquiries Procedures) (England) (Amendment) Rules 2009 (Statutory Instrument 2009/455) and by The Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013 Statutory Instrument 2013/2137.

The appeal would have clear implications on the use and vitality of a prominent and historic building of local interest and as such securing an optimal viable future use is a priority for the rural settlement of Dunsop Bridge.

It is considered that the Hearing Procedure is the most appropriate form of appeal on this occasion in order to fully ventilate the implications on the Appellant should the appeal not be successful. Moreover it is evident that there are varying interpretations between the Council and the Appellant, which are significant and determinative, in relation to the relevance of live planning permissions. Given the severity of these disagreements it is considered the Inspector would benefit from allowing all parties to take place in a round table discussion which fully explores the matters of dispute.