

Appendix B – Enforcement appeal decisions received in quarters 1 & 2 of 2013-14

Appeal Ref: APP/B2355/C/13/2192927 and 2192928

2-4 Turn Hill Farm, Turn Hill, Rossendale, Lancashire, BB4 9NL

This appeal concerns an enforcement notice which required the removal of an unauthorised single storey lean-to building adjacent to a dry stone wall. The appeal was dismissed and the Enforcement Notice upheld, with a variation to allow a three month compliance period rather than the original twenty eight days stated in the notice.

Appeal Ref: APP/B2355/C/13/2191993

1 Laburnum Street, Haslingden, Rossendale, BB4 5DW

This appeal concerned an enforcement notice which required the cessation of the use of land and premises on Laburnum Street for unauthorised tyre fitting and balancing activities. The appeal was allowed by the Planning Inspectorate, subject to the condition that the removal and fitting of tyres shall only take place within the building, and that the removal and refitting of wheels to vehicles shall only take place either in the rear yard of the premises or within the building itself – no work shall be undertaken on the public highway. The Inspector reasoned that the tyre fitting and balancing service was fundamental to the existing authorised tyre retail service provided at the premises, and that the conditions imposed would ensure that the use of the building for tyre fitting and balancing will not result in any adverse effects on residential amenity.

Appeal Ref: APP/B2355/C/12/2186322

5-7 Union Street, Bacup, OL13 0AA

This appeal concerns an Enforcement Notice which required the removal of unauthorised roller shutters from the front of the building. The appeal was dismissed and planning permission was refused by the Planning Inspectorate, with a variation to allow a three month compliance period rather than the original twenty eight days stated in the notice. The Inspector reasoned that the shutters present a blank and uninteresting frontage to the street scene, detracting from the character and appearance of the Bacup Conservation Area contrary to Policy 16 of the Core Strategy.

Appeal Ref: APP/B2355/C/13/2191899

The Gate House, Lower Wheat Head Farm, Off Burnley Road East, Lumb, Rossendale, BB4 9HG

This appeal concerned an enforcement notice which required the demolition of an unauthorised extension on an existing bungalow dwelling. This appeal was allowed by the Planning Inspectorate, and the Enforcement Notice quashed and planning permission granted for the erection of an extension to the east side of the existing bungalow. Although the Inspector noted that the extension was too large to be 'permitted development', in his view the development was not disproportionate in size to the existing dwelling and was sympathetic in design and appearance. Although the extension increased the scale of the existing dwelling (located within the Countryside), the Inspector was of the opinion that the extension did not harm the visual amenity or open character of the Countryside, and therefore did not conflict with the relevant development plan policies.

Appeal Ref: APP/B2355/C/13/2193391 and 2193392
Land at 26 Nicola Close, Bacup, Lancashire, OL13 8RR

This appeal concerns an enforcement notice which required the removal of unauthorised decking which was above 30cm above ground level, removal of unauthorised fencing which was up to 4m above road level and the reinstatement of the land. The appeal was allowed by the Planning Inspectorate and the Enforcement Notice quashed. In the Inspector's opinion the decking and fencing, although prominent in views from Weir Lane, did not adversely affect the visual or residential amenity of the area.

Appeal Ref: APP/B2355/C/13/2193996
Time Out, 8 Union Street, Bacup, Lancashire, OL13 0AA

This appeal concerns an Enforcement Notice which required the removal of uPVC windows and a uPVC front door from the ground floor and first floor of a shop in the Bacup Conservation Area, and the replacement of these with traditional wooden-framed units. The appeal was dismissed and planning permission refused for the uPVC windows and door, with a variation to allow a six month compliance period rather than the original three months stated in the notice. The Inspector reasoned that the appearance of the uPVC windows and door adversely affects the appearance of the property and does not preserve or enhance the character or appearance of the wider Conservation Area, contrary to Policy 16 of the Core Strategy. The Inspector considered that painting the frames would not overcome the harm that the design and appearance of the window frames would continue to have on the amenity of the area, particularly in respect of the top hung windows.