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# Appeal Decision

Site visit made on 2 December 2013

**by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 December 2013**

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**Appeal Ref: APP/B2355/C/13/2204743**

**Huttock Top Farm, Newchurch Old Road, Bacup OL13 8HS**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr T Bork against an enforcement notice issued by Rossendale Borough Council.
  - The notice was issued on 9 August 2013.
  - The breach of planning control as alleged in the notice is the change of use of the land from mixed use comprising of agriculture and stables to mixed use comprising of agriculture and stables and petting farm with provision of visitor facilities and entertainment use, and the siting of a static caravan on the land and its use for residential purposes.
  - The requirements of the notice are (a) Cease the use of the land for petting farm and visitor and entertainment activities; (b) Remove the catering facilities, toilets, play equipment, entertainment systems, tables and all seating equipment from within the barn located on the land; (c) Cease the use of the land for residential purposes; and (d) Remove the static caravan from the land.
  - The period for compliance with requirements (a) and (b) is three months and for requirements (c) and (d) is six months.
  - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
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## Decision

1. The appeal is dismissed and the enforcement notice is upheld.

## Procedural matter

2. The Appellant originally appealed under ground (a) but amended his appeal, in an e-mail dated 24 September 2013, to be under grounds (f) and (g).

## Reasons

3. The Appellant accepts, given that he has not appealed under grounds (b), (c) and/or (d), that there has been a breach of planning control and he has not pursued his original ground (a) appeal. The breach of planning control must therefore be remedied.

The ground (f) appeal

4. A ground (f) appeal is made when the Appellant claims that the steps required to comply with the requirements of the enforcement notice are excessive and that lesser steps would overcome the objections. The Appellant has not indicated why he considers the requirements of the notice to be excessive and has not suggested any lesser steps that would overcome the objections.

5. The change of use alleged in the enforcement notice has occurred and a static caravan is sited on the land. The required steps must be the cessation of the unauthorised uses that have been introduced on the land and the removal of the static caravan and the items and equipment associated with the petting farm and the visitor and entertainment activities. These are the requirements of the notice and are not excessive. The ground (f) appeal thus fails.

The ground (g) appeal

6. A ground (g) appeal is made when the Appellant claims that the time to comply with the notice is too short. The Appellant has not commented on the compliance period for the removal of the static caravan but maintains that the compliance period for cessation of the unauthorised petting farm use of the land should be extended to twelve months to provide enough time for him to receive a decision on an "...active application for planning permission". A planning application was validated by the Council on 3 September 2013 but was refused on 13 November 2013. There is no evidence of any other planning application pending consideration and there is no reason therefore to extend the periods for compliance with the requirements of the notice. The ground (g) appeal thus fails.

*John Braithwaite*

Inspector