



Goostrey Parish Council

PLANNING COMMITTEE MEETING on Tuesday 28th October 2025 at 7pm In the Village Hall, Lounge

Agenda

- 1. Apologies for Absence**
- 2. Declarations of Interest**
- 3. Minutes of the meeting of 18th June 2025:** The minutes of this meeting were approved at the council meeting on 24th June 2025, minute reference 06.25.05.b.
- 4. To receive and agree a response to the following planning applications:**
 - a. [View application 25/3736/CLEUD](#) The Barn, Blackden Villa Farm Bridge Lane, Goostrey, Crewe, Cheshire East, CW4 8BX. Certificate of lawful development for existing use of part of The Barn as an independent dwelling (Use Class C3). Comments deadline 31/10/2025.
 - b. [View application 25/3903/PRIOR](#) Brickbank Farm Booth Bed Lane, Goostrey, Crewe, Cheshire East, CW4 8NB. Prior approval for change of use from agricultural to flexible use B8 and E(G). Comments deadline 5th November 2025.
 - c. [View application 25/3995/HOUS](#) 136 Main Road, Goostrey, Crewe, Cheshire East, CW4 8JR. Proposed Timber self supporting Tree House in rear garden. Comments deadline 12th November 2025.
- 5. To receive and agree a response to the consultation on a material change to the Keuper Gas Storage Project (KGSP) Development Consent Order (DCO).** Deadline 20th November 2025.
See page 2.
- 6. To agree a course of action regarding the following enforcement issues:**
 - a. The Space Invader (Red Lion), 3 Station Road, Goostrey, Crewe, Cheshire East, CW4 8PJ.
Without planning permission the construction of a raised external seating area.
See page 11.
 - b. [View Application 25/0162/FUL](#) Holly Bank Farm, 65 Main Road, Goostrey, Crewe, Cheshire East, CW4 8JR. Permission Refused 14th March 2025.
- 7. Correspondence:** To consider any correspondence received since the last meeting
- 8. Applications received after the agenda for this meeting was issued:** Review of applications to be added to the next planning meeting agenda.
- 9. Minor Items and Items for the next meeting.**
- 10. Date of the Next Meeting:** TBC

ISSUED VIA EMAIL

Consultation on a Material Change to the Keuper Gas Storage Project (KGSP) Development Consent Order (DCO)

I am writing to inform you that Keuper Gas Storage Limited (KGSL) is launching consultation on a Material Change to the Keuper Gas Storage Project (KGSP) on a site between Lach Dennis and Middlewich in Cheshire.

The proposed Material Change to the previously consented Development Consent Order 2017 (Statutory Instrument 2017 No. 433) would be to consent use for the storage of hydrogen rather than natural gas. I attach a copy of the notice of the proposed application issued in accordance with the Planning Act 2008.

The proposed changes are as follows:

- the storage of hydrogen gas rather than natural gas including consolidation of pipelines;
- changes to the Gas Processing Plant (GPP) area and hydrogen compatible equipment, including a 50m flare instead of a vent;
- moving non-hydrogen equipment to a utility compound adjacent to the GPP; and
- the National Transmission System (NTS) connection for natural gas is being replaced by the Hydrogen Above Ground Infrastructure (HAGI) for connection to the HyNet Hydrogen Pipeline.

Other elements of the Consented Development unaffected by the proposed Material Change are being brought forward and are under construction.

The change will help underpin both the UK's energy security and transition to net zero emissions by 2050. If approved, the hydrogen storage facility will link to HyNet North West, the regional hydrogen and carbon capture network and would be the largest of its kind, with the 19 underground cavities able to store some 1,300-gigawatt hours of hydrogen.

Public consultation on the Material Change

Pre-application consultation on the Material Change is being undertaken as required by the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 and the Planning Act 2008: Guidance on Changes to Development Consent Orders (DCLG, 2015). Consultation will involve statutory consultees, local stakeholders and residents surrounding the site.

Seeking your views

Consultation on the proposed Material Change Application will formally commence on **Thursday 9 October 2025 and run until 23.59 on Thursday 20 November 2025.**

The relevant consultation documents are made available. These are:

- **Proposal Summary Document:** This provides an accessible summary of the Project, the proposed material amendment and applicant considerations;
- **Project Newsletter:** This community newsletter has been circulated to those living and working around the consented gas storage site and contains details of the proposed changes;
- **Plans and maps:** A site location plan and plan of the proposed Material Changes.
- **Preliminary Environmental Information Report (PEIR):** A copy of the PEIR chapters undertaken in support of the proposed Material Change.

All of the above and further documentation can be downloaded from the 'Consultation' page at www.kgsp.co.uk or accessed via the QR code provided below:



Hard copies of the consultation documents can be viewed by the public on request during the consultation period at the Storengy site from 9 October 2025 until close of business on 20 November 2025 at:

- Storengy UK Stublach Site (Gatehouse), King Street, Northwich, Cheshire, CW9 7SE. Opening hours: Monday to Friday: 9am-4pm. To arrange a viewing, contact the team on kgsp@fontcomms.com or 0800 689 1095.

Printed copies of the main public consultation documents will be available on request at £700+VAT.

Attend our public consultation events

As part of the consultation, we're hosting an event in person and online to update the local community and stakeholders and to provide an opportunity for any questions. You are invited to attend:

- Project Information Event at De Vere Cranage Estate, Byley Lane, Holmes Chapel, CW4 8EW on Wednesday 15 October 2025 between 3pm and 7pm.
- Online Questions and Answer session on Wednesday 22 October 2025 at 6.30pm (details to register are at www.kgsp.co.uk)

Have your Say

You can have your say on our plans for the proposed Material Change by:

- Completing a feedback form at www.kgsp.co.uk
- Completing a feedback form at the public information event or asking a question at the online Q&A session
- Writing to Freepost HAVE YOUR SAY (no further information or stamp required)
- Calling Freephone 0800 689 1095 (Monday to Friday 9.00am to 5.30pm)

Any comments or representations on the Proposed Development must be received no later than **23:59 on Thursday 20 November 2025**.



www.kgsp.co.uk



kgsp@fontcomms.com



0800 689 1095
(Monday to Friday 9:00am - 5:30pm)

Yours Sincerely,
The Keuper Gas Storage Project Team



KEUPER GAS STORAGE PROJECT PUBLIC CONSULTATION NEWSLETTER

To underpin the UK's efforts to help tackle climate change and meet net zero by 2050, Keuper Gas Storage Limited (KGSL) is planning the UK's largest hydrogen storage facility known as the Keuper Gas Storage Project (KGSP) on a site between Lach Dennis and Middlewich in Cheshire.

The plans will see the previously consented KGSP amended to give the option of storing hydrogen rather than natural gas.

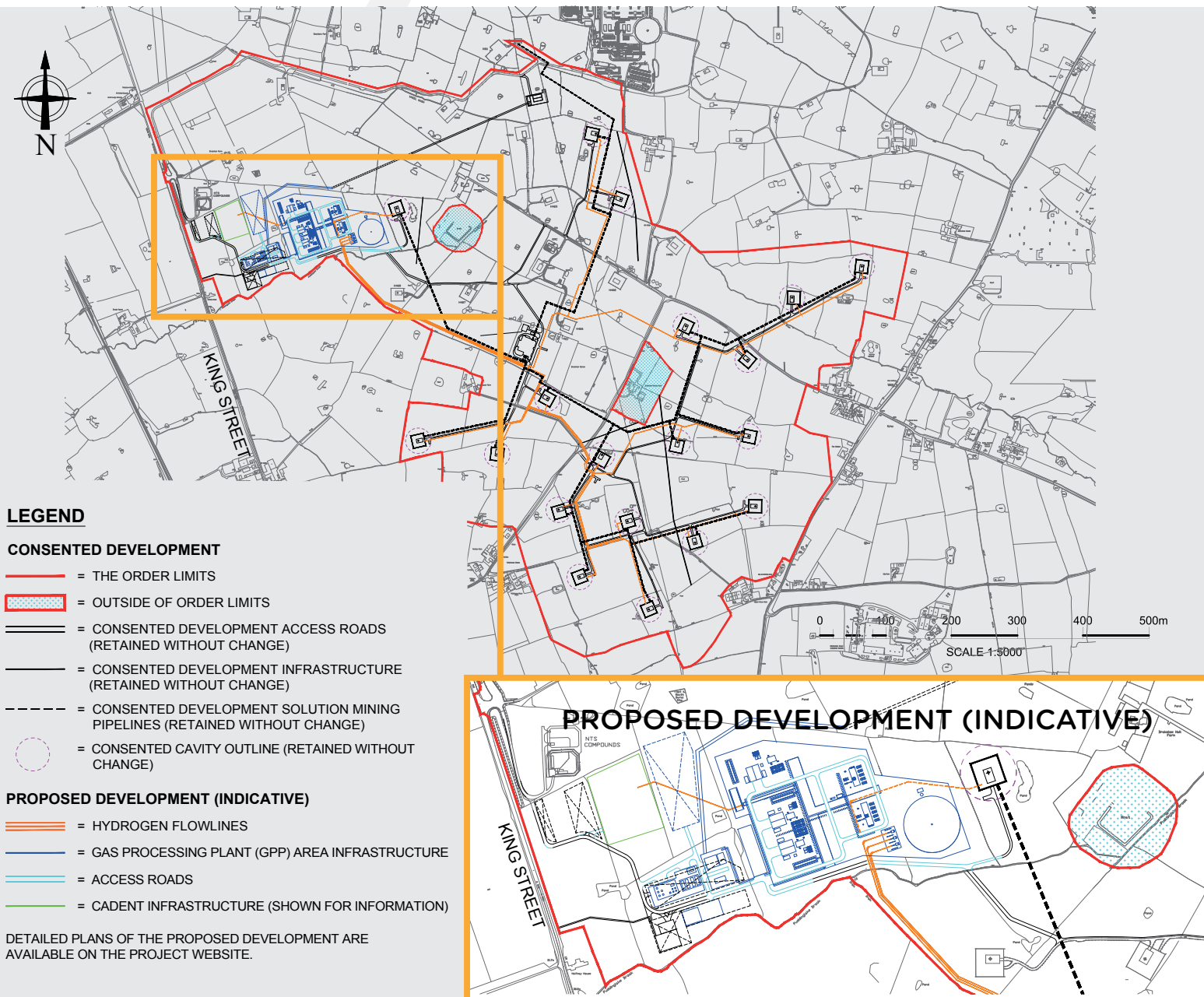
Interested in the plans and want to find out more?

Public consultation on the changes to the consented KGSP will start on **Thursday 9 October 2025** and run until **Thursday 20 November 2025**.

- Attend our Project Information Event where you can meet members of the project team and ask any questions. De Vere Cranage Estate, Byley Lane, Holmes Chapel, CW4 8EW on **Wednesday 15 October, 3pm - 7pm**
- Attend our online Q&A taking place on **Wednesday 22 October, 6.30pm** (details to register are on our website)
- Visit the project website at **www.kgsp.co.uk** or scan the QR code below



THE PLANS



The KGSP would involve using specially designed underground salt cavities – created through solution mining – to store hydrogen.

Cheshire's geology means it is one of the few places in the UK where hydrogen can be safely stored underground and INOVYN Enterprises has been solution mining the Holford Brinefield to produce brine for over 90 years. The cavities left behind once the brine is mined have been used to safely store gas since the 1980s.

We are proposing a 'Material Change' to the KGSP plans approved in March 2017, to allow the project to store hydrogen rather than natural gas, improve the associated infrastructure and allow connection to the HyNet Hydrogen Pipeline, the regional hydrogen and carbon capture project planned to produce, store and transport hydrogen around the North West and North Wales.

The proposed changes comprise:

- the proposed storage of hydrogen gas rather than natural gas, including consolidation of pipelines;
- changes to the Gas Processing Plant (GPP) area and hydrogen compatible equipment, including a 50m flare instead of a vent;
- moving non-hydrogen equipment to a utility compound adjacent to the GPP;
- the National Transmission System (NTS) for natural gas is being replaced by the Hydrogen Above Ground Infrastructure (HAGI) for connection to the HyNet Hydrogen Pipeline.

If the changes are approved, KGSP will store 1,300 gigawatt hours of hydrogen – more clean energy than any other facility.

WHY HYDROGEN?



Hydrogen is a game-changing source of energy that can be used as both a raw material for industry and as a clean power source for transport, industry, business and electricity generation when the wind isn't blowing and the sun isn't shining.

The North West is seen as a key location for hydrogen production and carbon capture, due to its natural assets and established, energy intensive industries that need to cut their carbon emissions.

The KGSP will connect to HyNet North West and support the delivery of the project through the storage of hydrogen. HyNet is the regional hydrogen and carbon capture project planned to produce, store and transport hydrogen via Cadent's HyNet North West pipeline around the North West of England and North Wales - helping to decarbonise our industries from the mid-2020s. By 2030, HyNet will reduce carbon dioxide emission by 10 million tonnes every year, the equivalent of taking 4 million cars off the road.

Visit the HyNet website at www.hynet.co.uk for more information.



THE PLANNING PROCESS

We are holding a public consultation on the proposed material changes to the Development Consent Order (DCO) consented in 2017 and on a range of updated environmental information.

The original DCO consent states that the cavities will be used to store natural gas. The main change is proposing that hydrogen storage is allowed in the cavities. The location, amount, size and construction method of the 19 cavities is not planned to change.

ENVIRONMENTAL INFORMATION UPDATES

KGSP is engaging with industry experts to provide targeted ecology and environmental surveys in the local area.

Information about the findings are available in our **Preliminary Environmental Information Report or PEIR**. The main topics covered include:

- Geology and Ground Conditions
- Hydrology and Flood Risk
- Air Quality, Noise and Vibration
- Ecology and Nature Conservation
- Landscape and Visual Impact
- Cultural Heritage.

You can view the PEIR at our Project Information Event, view or download from the project website or view in person at the Storengy Stublach Site (Gatehouse), King Street, Northwich, Cheshire. CW9 7SE. Opening hours: Monday to Friday: 9am-4pm. To arrange a viewing, contact the team on kgsp@fontcomms.com or 0800 689 1095.

Other aspects of the project including the site entrance on King Street, wellhead compounds and access roads, and electrical connection infrastructure would remain the same. No changes are proposed at the locations beyond the main Holford Brinefield site at Whitley, Lostock and Runcorn.

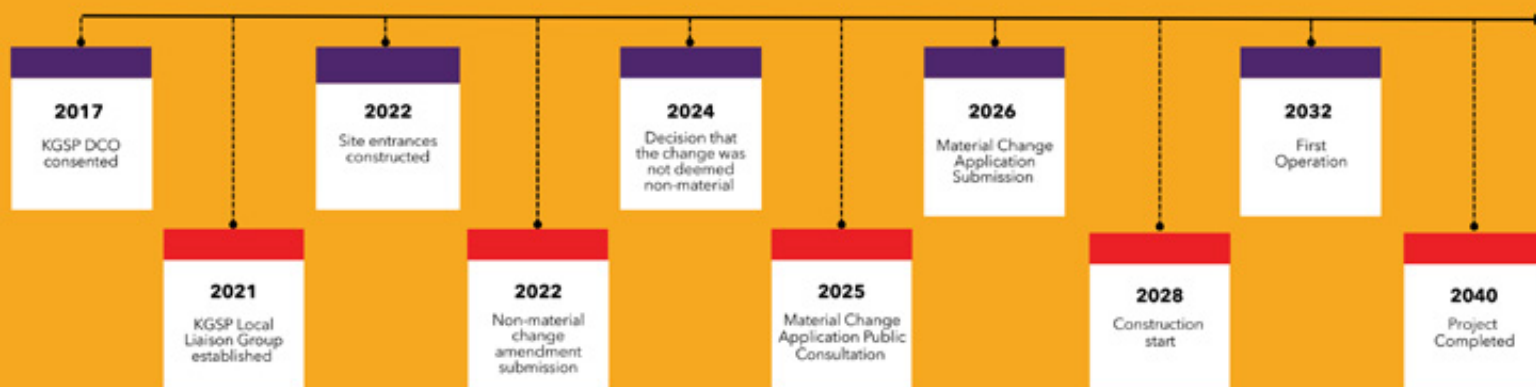
We have already started construction of some of the roads under an approved Construction and Environmental Management Plan, working closely with the Council and statutory regulators to ensure minimal disruption to the local community.

WHAT IS A DEVELOPMENT CONSENT ORDER?

A DCO is a type of planning permission under the Planning Act 2008 for certain large infrastructure projects, called Nationally Significant Infrastructure Projects (NSIP) such as major roads, railways, ports, airports, power stations, and wind farms.

WHY IS KGSP A NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT?

KGSP is a NSIP because of the project's importance in helping the UK meet its increasing energy needs. This means that rather than going through the local authority like most planning applications, the material change will be submitted to the Planning Inspectorate or PINS who will administer the application before the Secretary of State for the Department of, Energy Security and Net Zero makes the final decision after examination.



WIDER SCHEME BENEFITS



Providing a flexible and secure supply of clean energy to underpin the UK's energy security and transition to net zero emissions.



Up to 300 construction jobs and 30 operational jobs.



Provide resilience and flexibility to the HyNet network to support the energy supply to North West manufacturing industries.



A community benefit fund similar to the funds previously in place for the other existing gas storage projects at the Holford Brinefield, where a total investment of over £400,000 across 10 years of construction, will be available.



ABOUT US

The Keuper Gas Storage Project (KGSP) is being developed in partnership between INEOS Inovyn and Storengy UK. Keuper Gas Storage Limited (KGSL) is the project developer.

Storengy UK is a subsidiary of ENGIE, who developed and now operate the Stublach Natural Gas Storage site in Cheshire. Now fully completed, the scheme is the largest on shore gas storage facility in the country, enhancing the security of supply to the UK gas market. Storengy UK are actively participating in the energy transition and supporting the UK government strategy to reach net zero by 2050 and have set their own carbon neutral target of 2025. For over 5 years Storengy UK have had in place a responsible business board which focuses on how they contribute to the local community and impact the economy. Additionally, Storengy UK sponsor the Green Jobs Expo, supports local projects through Cheshire Community Foundation, and encourages biodiversity on the Stublach site.

INOVYN Enterprises Limited is the landowner and its Brine & Water Business would be responsible for the solution mining of brine to facilitate this proposed development. INEOS has strong ties to the region and employs over 1,000 people in Runcorn and Northwich. The Company produces a range of essential chemicals for use by industry and the public. INEOS, through its subsidiary INOVYN, is already Europe's largest existing operator of electrolysis, the critical technology to produce hydrogen. At our existing site in Runcorn, we've been producing hydrogen gas for more than 125 years.

HAVE YOUR SAY

You can have your say on our plans to amend the existing KGSP consent by:

- Completing the questionnaire sent with this newsletter and returning it back to us in the envelope provided, no stamp required
- Take a look at our website www.kgsp.co.uk to fill in the questionnaire or ask a question
- Get in touch using the contact details on the bottom of the newsletter
- Please send us your comments before Thursday 20 November at 23.59pm when consultation closes
- We currently plan to submit an application for the material change to the DCO to the Planning Inspectorate during the Spring of 2026



GET IN TOUCH



Email: kgsp@fontcomms.com



Write to: **Freepost HAVE YOUR SAY**
No further information or stamp required



Visit: www.kgsp.co.uk



Call: **Freephone 0800 689 1095**
(Monday to Friday 9.00am to 5.30pm)

Please scan this QR code to take you directly to our website.



IMPORTANT

THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990
(as amended)

An enforcement notice is attached to this document.

Your failure to respond to the notice may result
in prosecution.

If you need independent advice about the notice you are advised to
contact urgently, a lawyer, planning consultant or other professional
adviser specialising in planning matters.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(as amended)

ENFORCEMENT NOTICE

(Operational Development)

ISSUED BY: CHESHIRE EAST BOROUGH COUNCIL (“the Council”)

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A (1) (a) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the Development Plan and to other material considerations. The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at The Space Invader (Red Lion) Public House, 3 Station Road, Goostrey, Cheshire CW4 8PJ shown edged red on the attached plan

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

Without planning permission the construction of a raised external seating area in the approximate position hatched green on Plan B attached to this notice.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The Council is of opinion that the unauthorised development by virtue of its design, construction, use of materials and finish as well as its size and form to the front of the host building results in an incongruous feature which is out of character with the village street scene and by virtue of its location in a prominent position.

The Council is also of the opinion that it results in harm to the setting of the Red Lion/Space Invader public house, a non-designated heritage asset.

The unauthorised development is therefore contrary to policies SD2, SE1 and SE7 of the Cheshire East Local Plan Strategy, policy HER7 of the Cheshire East Site Allocations and Development Policies Document and policy OCEH3 of the Goostrey Neighbourhood Plan.

The Council does not consider that planning permission should be given because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

You are required to

- a) Demolish and remove in its entirety the unauthorised raised external seating area hatched green on Plan B attached to this notice and all associated paraphernalia from the Land.
- b) Remove all materials resulting from compliance with requirement a) from the land.

6. TIME FOR COMPLIANCE

- a) 3 months after this notice takes effect
- b) 4 months after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **2nd June 2025** unless an appeal is made against it beforehand.

DATED: 28th April 2025



SIGNED:
On behalf of:
Cheshire East Borough Council

Annex

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land or who are a relevant occupier can appeal against this Enforcement Notice, but any appeal must be received, or posted in time to be received, by the Secretary of State (at the Planning Inspectorate) before the date specified in Paragraph 7 of the Notice. An information sheet from the Planning Inspectorate is enclosed which also contains important information about appealing against this Notice and how appeals forms can be obtained and submitted.

Under section 174 of the Town and Country Planning Act 1990 (as amended), an appeal may be brought on any of the following grounds -

- (a) 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;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, 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;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that 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 any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

An appellant must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring him, a statement in writing specifying the grounds on

which he is appealing against the enforcement notice and stating briefly the facts on which he proposes to rely in support of each of those grounds.

The fee payable for a deemed application for planning permission for the development alleged to be in breach of planning control in the enforcement notice is double the amount payable for a normal planning application. The fee is therefore a total of £(3150.00) which should be paid to the Council.

The full text of sections 171A, 171B and 172-177 of the Town and Country Planning Act 1990 (as amended) is enclosed with this Notice as a Guidance Note 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 that has taken effect, can result in prosecution and/or remedial action by the Council.

The following persons have or will be served with a copy of the Enforcement Notice:-

Bracken Property Company Limited (Co. Regn No. 13776656) Sterling House,
Waterford Business Park Bury BL9 7BR

The Proprietor, The Space invader Goostrey Limited (Co. Regn. No. 14095329
of The Ship Inn, Altrincham Road, Styal, Wilmslow SK9 4JE

The Company Secretary, The Cheshire Pub Company, Regency Court, 62-66
Deansgate, Manchester M3 2EN

Guidance Note

The powers of local planning authorities to issue enforcement notices and the right of appeal to the Secretary of State against enforcement notices are in sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991. These provisions are stated in full below.

Section 171A.

(1) For the purposes of this Act -

(a) carrying out development without the required planning permission; or (b) failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control.

(2) For the purposes of this Act –

the issue of an enforcement notice (defined in section 172); or the service of a breach of condition notice (defined in section 187A), constitutes taking enforcement action.

(3) In this Part "planning permission" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

Section 171B. -

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent -

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach

Section 172.

(1) The local planning authority may issue a notice (in this Act referred to as an "enforcement notice") where it appears to them -

(a) that there has been a breach of planning control, and (b) that it is expedient to issue the notice, having regard to the provisions of the development plan to any other materials considerations.

(2) A copy of an enforcement notice shall be served -

(a) on the owner and on the occupier of the land to which it relates: and (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

(3) The service of the notice shall take place -

(a) not more than twenty-eight days after its date of issue; and (b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

Section 172A.

(1) When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—

(a) explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,

(b) giving the person one of the following assurances—

(i) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or

(ii) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,

(c) explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and

(d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to

take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

(2) At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.

(3) The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

(4) Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.

(5) An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.

Section 173.

(1) An enforcement notice shall state -

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are -

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its conditions before the breach took place; or (b) remedying any injury or amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require -

(a) the alteration or removal of any buildings or works; (b) the carrying out of any building or other operations; (c) any activity on the land not to be carried on except to the extent specified in the notice; (d) or the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to a subsection (7), is as similar as possible to the demolished building.

(7) A replacement building -

(a) must comply with any requirement imposed by any enactment applicable to the construction of buildings; (b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control; (c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).

(8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.

(9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.

(11) Where -

(a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and (b) all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(12) Where -

(a) an enforcement notice requires the construction of a replacement building; and (b) all the requirements of the notice with respect to that construction have been complied with, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

173ZA Enforcement warning notice: Wales

(1) This section applies where it appears to the local planning authority that—

(a) there has been a breach of planning control in respect of any land in Wales, and

(b) there is a reasonable prospect that, if an application for planning permission in respect of the development concerned were made, planning permission would be granted.

(2) The authority may issue a notice under this section (an “enforcement warning notice”).

(3) A copy of an enforcement warning notice is to be served—

(a) on the owner and the occupier of the land to which the notice relates, and

(b) on any other person having an interest in the land, being an interest that, in the opinion of the authority, would be materially affected by the taking of any further enforcement action.

(4) The notice must—

(a) state the matters that appear to the authority to constitute the breach of planning control, and

(b) state that, unless an application for planning permission is made within a period specified in the notice, further enforcement action may be taken.

(5) The issue of an enforcement warning notice does not affect any other power exercisable in respect of any breach of planning control.

Section 173A.

(1) The local planning authority may -

(a) withdraw an enforcement notice issued by them; or (b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the powers of the local planning authority to issue a further enforcement notice.

Section 174.

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any of the following grounds -

- (a) 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;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, 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;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that 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 any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if—

- (a) the land to which the enforcement notice relates is in England, and
- (b) the enforcement notice was issued at a time—
 - (i) after the making of a related application for planning permission, but
 - (ii) before the end of the period applicable under section 78(2) in the case of that application.

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.

(2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that—

- (a) the relevant demolition was urgently necessary in the interests of safety or health;
- (b) it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter; and

(c) the relevant demolition was the minimum measure necessary.

(2D) An appeal against an enforcement notice may not be brought on the ground that planning permission ought to be granted in respect of a breach of planning control constituted by a matter stated in the notice, as specified in subsection (2)(a), if—

(a) the land to which the enforcement notice relates is in Wales, and

(b) the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under section 78 (and for this purpose development is “related” if granting planning permission for it would involve granting planning permission in respect of the matter concerned).

(2E) An appeal may not be brought on the ground that a condition or limitation ought to be discharged, as specified in subsection (2)(a), if—

(a) the land to which the enforcement notice relates is in Wales, and

(b) the enforcement notice was issued after a decision to grant planning permission subject to the condition or limitation was upheld on an appeal under section 78.

(2F) For the purposes of subsections (2D) and (2E), references to a decision that has been upheld on an appeal include references to a decision in respect of which—

(a) the Welsh Ministers have, under section 79(6), declined to determine an appeal or to proceed with the determination of an appeal;

(b) an appeal has been dismissed under section 79(6A)

(3) An appeal under this section shall be made either -

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or (b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date; or (c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.

(4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing -

(a) specifying the grounds on which he is appealing against the enforcement notice; and (b) giving such further information as may be prescribed.

(5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6) In this section "relevant occupier" means a person who -

(a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence; and (b) continues so to occupy the land when the appeal is brought.

Section 175.

(1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may -

(a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal; (b) specify the matters to be included in such a statement; (c) require the authority or the appellant to give such notice of such an appeal as may be prescribed; (d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.

(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.

(4) Where an appeal is brought under section 174 the enforcement notice shall subject to any order under section 289(4A) be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings in

England before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

Section 176.

(1) On an appeal under section 174 the Secretary of State may -

(a) correct any defect, error or misdescription in the enforcement notice; or (b) vary the terms of the enforcement notice, if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.

(3) The Secretary of State -

(a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and (b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a),(b), or (d) of section 175(1) within the prescribed period.

(4) If section 175(3) would otherwise apply and the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) of this section or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).

(5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

Section 177.

(1) On the determination of an appeal under section 174, the Secretary of State may -

(a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates; (b) discharge any condition or limitation subject to which planning permission was granted; (c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.

(1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if –

(a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and (b) references to the local planning authority were references to the Secretary of State.

(1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it related to the form of the certificate), (6) and (7) and 194.

(1C) Subsection (1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a)

(2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

(3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.

(4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

(4A) Section 100ZA (which makes provision about restrictions on the power to impose conditions or limitations on a grant of planning permission in relation to land in England) applies in relation to conditions substituted under subsection (4) as it applies in relation to conditions imposed on a grant of planning permission to develop land which is granted on an application made under Part 3.

(5) Where (a) an appeal against an enforcement notice is brought under section 174, and (b) the statement under section 174(4) specifies the ground mentioned in section 174(2)(A), the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(5A) Where –

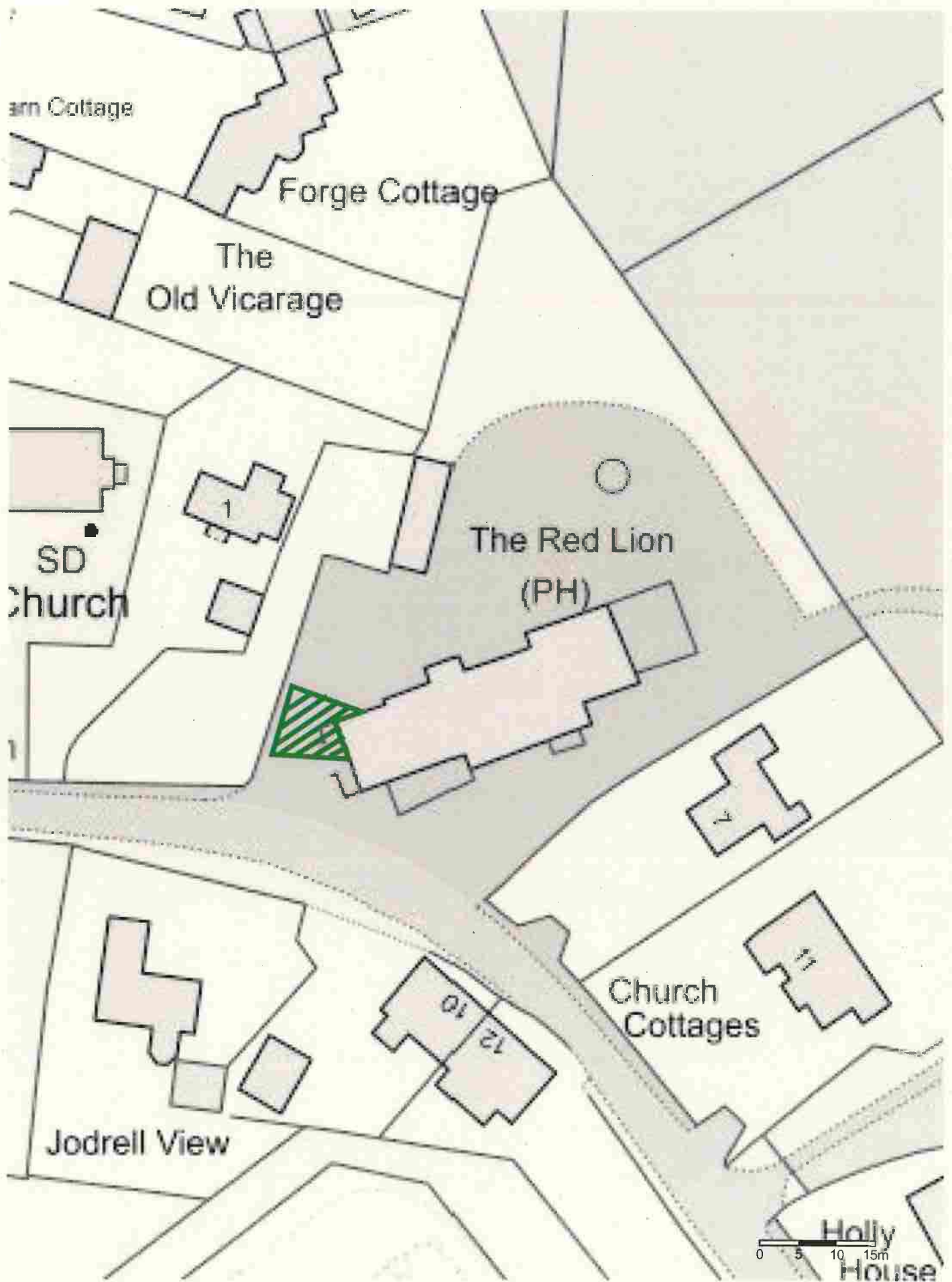
(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section; (b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and (c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid, then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority





17/4/2025

Space Invader (Formerly the Red Lion) 3 Station Road, Goostrey CW4 8PJ

Plan B



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THIS IS IMPORTANT

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

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

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