



RIBBLE VALLEY
BOROUGH COUNCIL

12 JUL 2011

For office use only

Application No. 320110552P

Date received

Fee paid £

Receipt No:

Council Offices, Church Walk, Clitheroe, Lancashire. BB7 2RA Tel: 01200 425111 www.ribblevalley.gov.uk

Application for a Lawful Development Certificate
for a Proposed use or development.

Town and Country Planning Act 1990: Section 192,
as amended by section 10 of the Planning and Compensation act 1991.
Town and Country Planning (Development Management Procedure) (England) Order 2010

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title:	Mr & Mrs	First name:	Peter	Surname:	Bedford
Company name:					
Street address:	Pleasant View Farm		Telephone number:	Country Code	National Number
	Saccary Lane				Extension Number
	Mellor		Mobile number:		
Town/City:	Blackburn		Fax number:		
County:			Email address:		
Country:					
Postcode:	BB1 9DW				
Are you an agent acting on behalf of the applicant? ☒ Yes ☐ No					

2. Agent Name, Address and Contact Details

Title:	Mrs	First Name:	Judith	Surname:	Douglas
Company name:	Janet Dixon Town Planners Ltd				
Street address:	10A Whalley Road		Telephone number:	Country Code	National Number
					Extension Number
			Mobile number:		
Town/City:	Clitheroe		Fax number:		
County:	Lancs		Email address:		
Country:					
Postcode:	BB7 1AW			judith@jdixontownplanners.co.uk	

3. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House:		Suffix:	
House name:	PLEASANT VIEW FARM		
Street address:	SACCARY LANE		
	MELLOR		
Town/City:	BLACKBURN		
County:			
Postcode:	BB1 9DW		

Description of location or a grid reference
(must be completed if postcode is not known):

Easting:	366453
Northing:	432044

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☐ Yes ☒ No

5. Lawful Development Certificate - Interest in Land

Please state the applicant's interest in the land:

☒ a) Owner ☐ b) Lessee ☐ c) Occupier ☐ d) Other

6. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

☐ Yes ☒ No

7. Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful or why you consider that any existing buildings, which it is proposed to alter or extend are lawful:

The site comprises a dwelling and garden. Please see accompanying statement.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application:

Please see accompanying statement.

If you consider the existing or last use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended) state which one:

C3

Information about the proposed use(s)

If you consider the proposed use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one:

C3

Is the proposed operation or use: ☒ Permanent ☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

It is permitted development. Please see accompanying statement

8. Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

☒ Yes ☐ No

If Yes, please give detailed descriptions of all such operation and indicate on your plans (includes describing any proposal to alter or create a new access, layout or any new street; construct any associated hardstandings; means of enclosure; or draining the land/building)

Construction of a detached garage gym and garden room and a detached stable and tack room. Please see accompanying statement

Does the proposal consist of, or include, a change of use of the land or building(s)?

☐ Yes ☒ No

Has the proposal been started?

☐ Yes ☒ No

9. Site Visit

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Can the site be seen from a public road, public footpath, bridleway or other public land?

☐ Yes ☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ The agent ☐ The applicant ☐ Other person

10. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information.



Date:

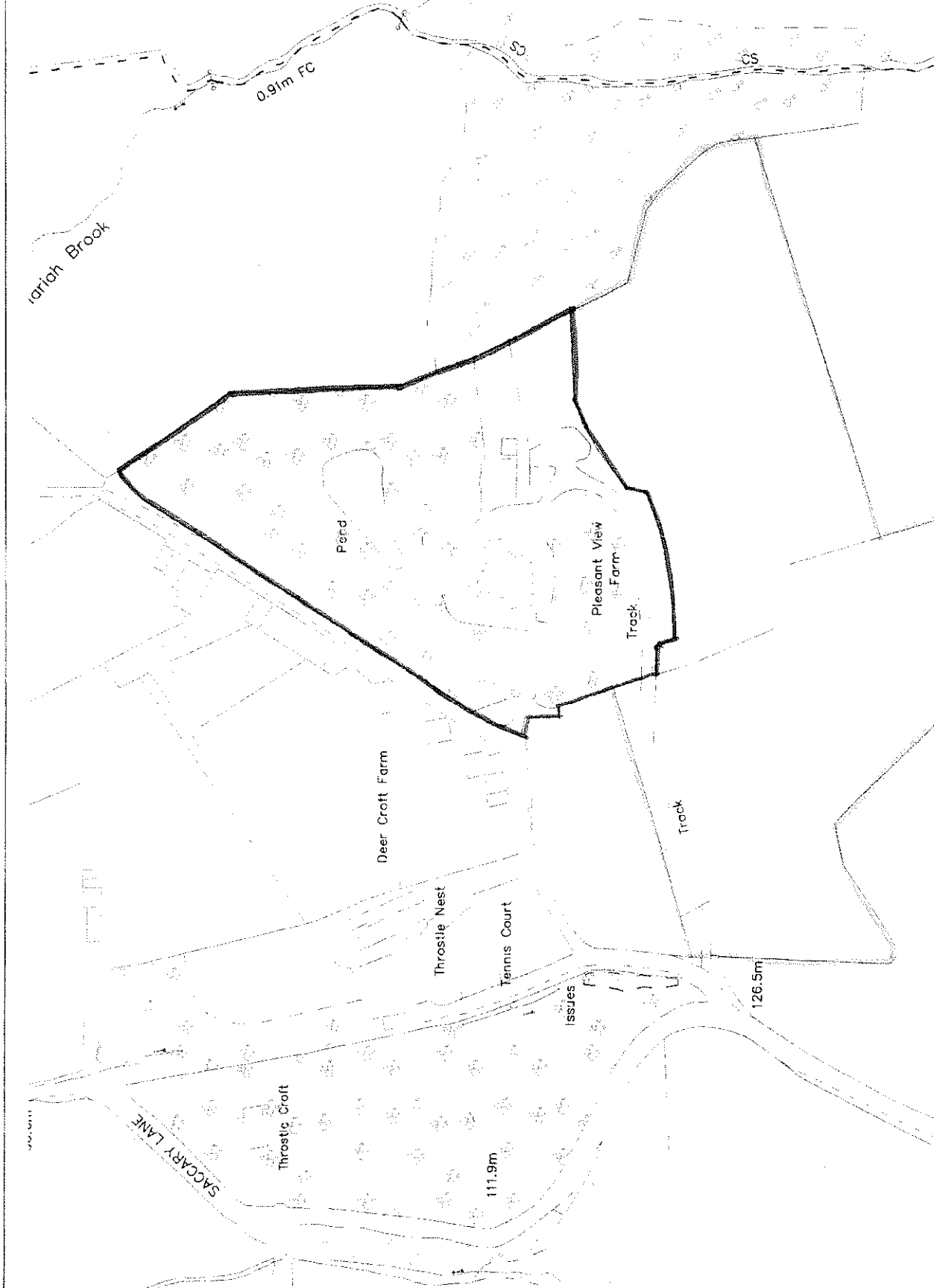
11/07/2011

Warning:

The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

320110552P

aps
SUNDERLAND PEACOCK



Scale 1:1250

Location Plan
Pleasant View Farm
Saccary Lane
Mellor

STATEMENT IN SUPPORT OF AN APPLICATION FOR A CERTIFICATE OF LAWFUL DEVELOPMENT FOR A DETACHED SINGLE STOREY GARAGE, GYM, AND GARDEN ROOM AND A DETACHED STABLE AND TACK ROOM AT PLEASANT VIEW, SACCARY LANE, MELLOR. BB1 7DW

This application is made under Section 192 of the Town and Country Planning Act 1990. Having carefully considered the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, (the GPDO) we consider that the proposed development is "permitted development" (PD).

The drawings submitted with the application and referred to in this document are;

4124-01A Existing Site Survey and Section A-A

4124-06A Proposed Plans and Elevations

Location plan.

1 SITE DESCRIPTION

- 1.1 Pleasant View is a substantial detached house set within a large garden. Vehicular access is from Saccary Lane via a private track which runs east west to the south of the property and only serves Pleasant View. In the past the vehicle access was from another track which serves other properties to the north and west of the site but access to this track has now been blocked off. The track to the north of the site is also a public footpath
- 1.2 The principle elevation of the property faces south. It contains the front door to the property.
- 1.3 The site is within an area designated as open country side in the adopted Ribble Valley District wide Local Plan

2 SITE HISTORY

- 2.1 6/9/2563 Proposed alteration and conversion of barn approved. Permitted development right were not removed

93/0442 Two storey extension and alteration approved.

93/0777 Alterations and extensions approved

94/0328 Two storey rear extension and alteration approved.

94/0476 New access approved.

94/0702 Extension to form conservatory approved

01/ 0286 Three storey extension and triple garage refused appeal decision three storey extension dismissed, triple garage allowed.

3. FACTS RELATING TO THE CASE

3.1 In order to interpret the provisions of the GPDO it is first necessary to establish some facts in this case. This can be established with these questions: is the property a dwelling benefiting from PD rights; which is the principal elevation; what constitutes the original dwelling; and, what is the extent of the garden?

3.2 A Dwelling with PD rights?

3.2.1 The planning application 6/9/2563 describes the development on the decision notice as "proposed alteration and conversion of barn" The planning application forms at question 4 under the description of the proposed development says "alterations to house" and at question 5 which relates to the existing use of the site states "dwelling house". This suggest that rather than being a barn conversion to a dwelling the application was for the extension of an existing house in to an attached barn. Although there is only a plan of the proposed alteration and no plan of the existing building the notes on the proposed drawing also indicate that there was an existing dwelling at the site in 1968. A note on the drawing says "remove stairs partition, make good to floors (two levels)" on the left hand side of the building This indicates that this was the original dwelling. The "new stairs" were to be positioned in the centre of the building in the part that appears to have been the barn. The plans also show two projections at the front of the building marked "porch" and at the left hand side attached to the house and "boiler" at the right hand end. The elevation drawing shows this part to be under a "cat slide" roof typical of barns in the area.

3.2.2 The Lancashire County Council mapping service mario.lancashire.gov.uk has a map of the site from the survey period 1884-1892. This map indicates a building on the site of Pleasant View divided into two parts with a projection in the same place as the porch marked on the 1968 application. As the 1968 application didn't show this porch to be an addition to the buildings at that time it can be concluded that this porch existed in 1968 and is the same as the projection shown on the front elevation of the plan from 1884-1892. The evidence is that the porch is part of the original dwelling house.

3.2.3 The dwelling Pleasant View existed as a house 1968 and permitted development rights were not removed as part of the planning application in 1968 the property still retains those permitted development rights.

3.3 Which is the Principal Elevation?

3.3.1 The 1968 plans clearly show the entrance into the dwelling through the porch on to southern elevation of the building. The northern part of the building was and is three storeys high and the 1968 floor plans show a basement. The main living accommodation was clearly on the ground floor of the building and not the basement, the main door into the house was and is on the southern elevation. The present south elevation still contains the main entrance into the dwelling. This is within the single storey addition to the front of the building. This door has an arched top and above it is a small gable. The front door opens into a reception hall which has the main staircase. There is an additional entrance on the right hand side of the front elevation which gives access into a reception room.



South elevation main entrance



North elevation patio doors and rear door.

On the rear of the building on the lower ground floor are patio doors and a plain door which gives access to the foot of the staircase to the ground floor.

3.3.2 Referring to the guidance given in Permitted Development for Householders – Technical Guidance August 2010 by the Department for Communities and Local Government, at Class A1 (d) the guide states *"In most cases, the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house."* The Guide states in **most** case the principle elevation will face the highway. This is not true in this case and is an exception that the guide anticipates by choosing to use the word 'most' in the advice. The southern elevation certainly contains the main entrance and the main architectural features of the building. The elevation which faces the nearest highway is the north elevation which has many windows to take advantage of the splendid view. The doors in this elevation are patio doors and a door at the foot of the staircase. These doors are at the lower ground level and there is no direct access to the ground floor of the dwelling except via a flight of stairs. We conclude that the southern elevation is the principal elevation.

3.4 The Original Dwelling

3.4.1 The sales particulars prepared by estate agents Mortimers Fine and Country for the recent sale of the property included a floor plan of the building. Using the evidence from the 1968 planning permission we have highlighted on the ground and first floor plan the area which is original dwelling. The rest of the dwelling was created later as a conversion of the attached barn or as later additions to the building. See appendix 1.

3.5 What is the extent of the garden?

3.5.1 There have been several planning applications for the property for domestic extensions. The documents submitted with these applications show the 'red edge' to include the location of the proposed buildings. In case there remains any doubt in the matter satellite images on google earth show the garden in 2009 with the pond at the lower level to the north and ornamental shrubs in flower to the side of it. The

boundaries of the garden are clear. The images taken in 2005, 2003 and 2000 show the same garden boundaries and the pond, trees and shrubs



5/30/2009



1/1/2005



1/1/2003



1/1/2000

4 THE CASE FOR THE PROPOSAL BEING PERMITTED DEVELOPMENT.

- 4.1 The dwelling is not on Article 1(5) land for the purposes of interpreting the GPDO because it is outside of the Area of Outstanding Natural Beauty and is not within a conservation area.
- 4.2 The proposed development for which this application for a Certificate is made are a single storey garage, gym, and garden room together with stables and tack room to be used in connection with the dwelling.
- 4.3 We now propose to set out how the proposed development meets the limits of PD rights set out in Class E GPDO. This is most easily set out by referring to the various sections in Class E, whilst referring also to the submitted drawings.

The garage, gym, and garden room

4.4 Class E a) The building is designed and will be used for a purpose incidental to the enjoyment of the dwelling.

4.5 Class E 1.

a) The curtilage of the dwelling is shown edged red on the location plan. The building will not cover more than 50% of the curtilage.

b) The principle elevation of the original dwelling has been described at paragraph 3.3.2. We have projected the line of the wall of the principal elevation on drawing 4124-06A. The proposed garage, gym and garden room building will not be built on land forward of the principal elevation.

c) The building is single storey.

d) The building has a dual pitched roof and has a maximum height of 4m when measured from the highest part of the ground adjacent to the building. It is more than 2m from the boundary.

e) The height of the eaves of the building is 2.5m when measured from the highest part of the ground adjacent to the building.

f) Pleasant View is not a listed building.

g-h) The design does not include the items listed in sections g to h.

The stables

4.4 Class E a) The stables are designed and will be used for a purpose incidental to the enjoyment of the dwelling. The property has the benefit of grazing land adjacent to the garden to the south.

4.5 Class E 1.

a) The curtilage of the dwelling is shown edged red on the location plan. The stables will not cover more than 50% of the curtilage.

b) The principle elevation of the original dwelling has been described at paragraph 3.3.2. We have projected the line of the wall of the principal elevation on drawing

4124-06A The proposed stables will not be built on land forward of the principal elevation

- c) The stables are single storey
- d) The stables have a dual pitched roof and have a maximum height of 4m when measured from the highest part of the ground adjacent to the stables. The stables are more than 2m from the boundary.
- e) The height of the eaves of the stables is 2.5m when measured from the highest part of the ground adjacent to the building.
- f) Pleasant View is not a listed building.

g-h) The design does not include the items listed in sections g to h.

4. COMMENTS

Curtilage

- 4.1 The dwelling has a large garden which is on a steep slope. The garden has been cultivated over many years and has mature plants and shrubs within it. There is no doubt that the area where the buildings are proposed is garden.

Permitted development rights

- 4.2 The planning application in 1968 indicates that there was a dwelling on the site at that time and this permission did not remove permitted development rights. Permitted development rights have not been removed on subsequent permissions for extensions at the property.

Measuring height

- 4.3 The Department for Communities and Local Government Technical Guidance 'Permitted development for householders' gives the following definition of height
- "Height" - references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. Ground level is the surface of the ground immediately adjacent to the building in question. Where ground level is not uniform (e.g. if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building".* The eaves and ridge height of the buildings vary considerably around the buildings because of the sloping nature of the site. We have carefully designed the buildings so that they are within the limits prescribed.

The principle elevation

- 4 4 The development must not be forward of a wall forming the principle elevation of the property. The Technical Guide at page 41 provides a diagram and explanation of how to determine where the line of the principle elevation of the original building is, see appendix 2. The original dwelling has been described at section 3 above and marked on a plan in appendix 1. Using the Technical Guidance cited in appendix 2 we have marked in red a dashed line on the plan at appendix 1 where the line of the principle elevation is in this case. This line is also marked on the drawing 4124-06A. Clearly the second diagram on page 41 of the Technical Guidance addresses the situation where the walls forming the principle elevation of a dwelling are not a straight line. It describes a situation where these walls are staggered. We have followed this example in order to define the line of the principle elevation in this case. The proposed development is not forward of the line so defined.

6. CONCLUSION

- 6.1 The design of the garage, gym, and garden room building and the stables building meet fully the requirement of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. We consider that the proposed development is "permitted development"

APPENDICES

1. Floor plan indicating the position of the original dwelling and the line of the principle elevation
2. Permitted Development for Householders – Technical Guidance August 2010, Department for Communities and Local Government page 41 Class E part (b).

Judith Douglas BSc (Hons) Dip TP, MRTPI

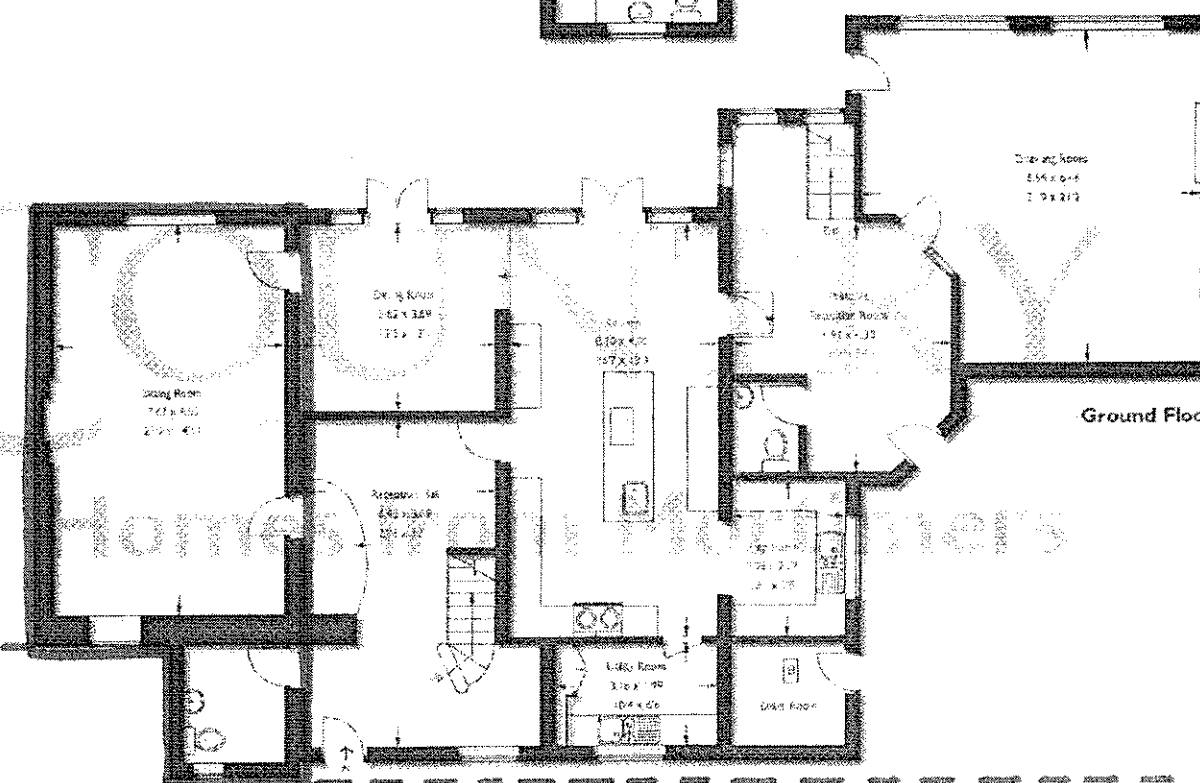
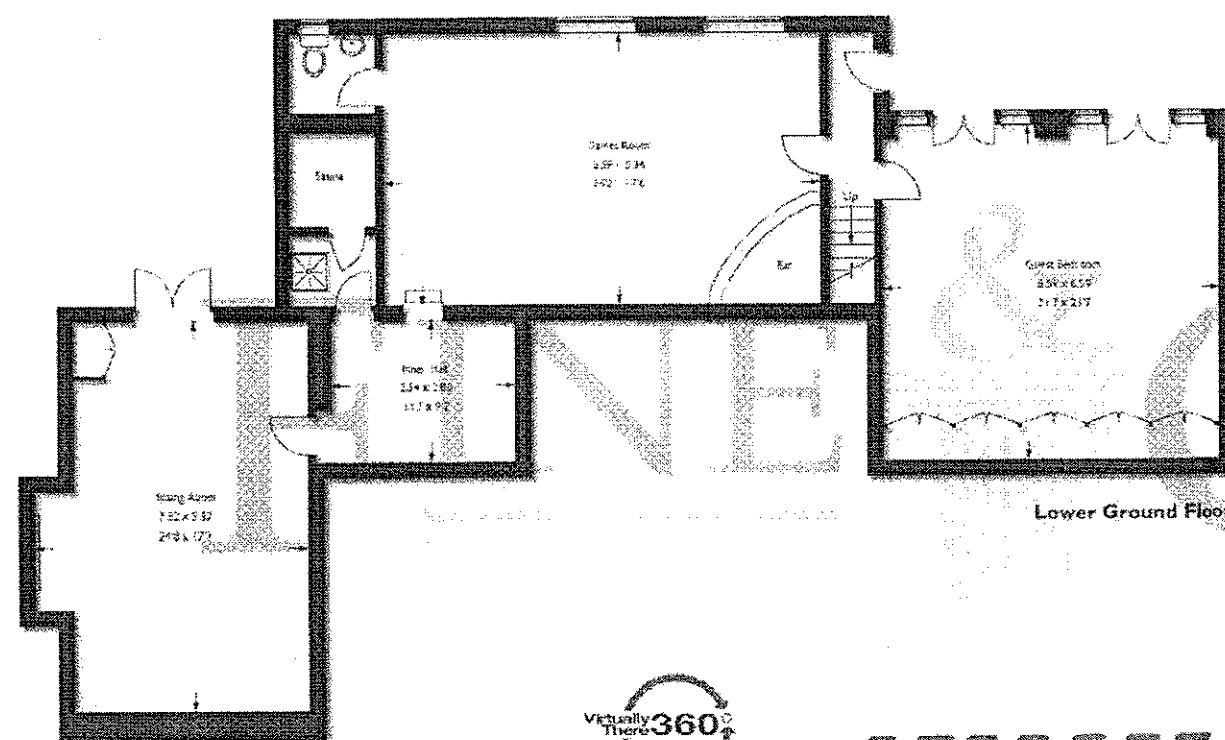
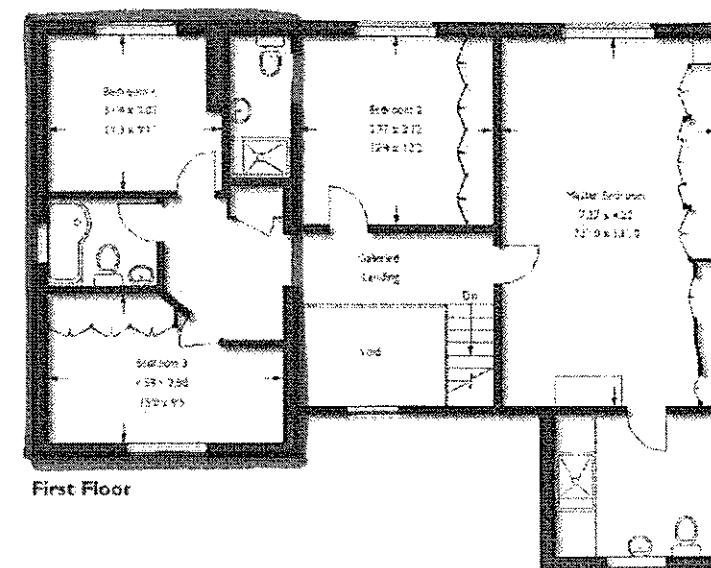
**Janet Dixon Town Planners Ltd.
10A Whalley Road, Clitheroe, Lancashire BB7 1AW
01200 425051**

July 2011

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Pleasant View Farm, Saccary Lane, Mellor

Approximate Internal Floor Area (including Garages) - Semi-A Building Model
404 sq m (4364 sq ft)



For illustrative purposes only. Not to Scale.
Whilst every attempt was made to ensure the accuracy of the floor plan, all measurements are approximate and no responsibility is taken for any error.

Original dwelling

Line of principle elevation

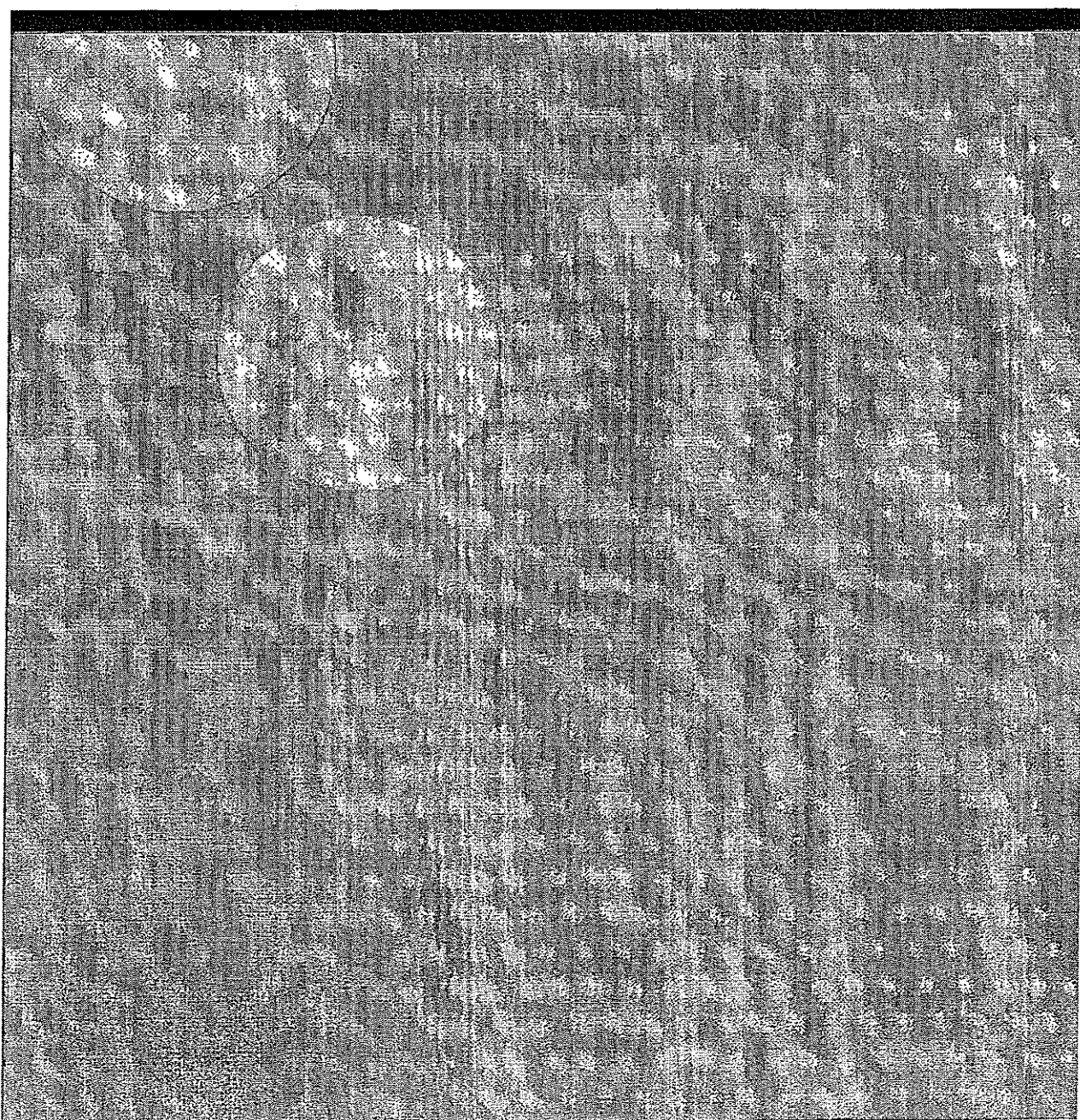
Appendix 1.



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Permitted development for householders

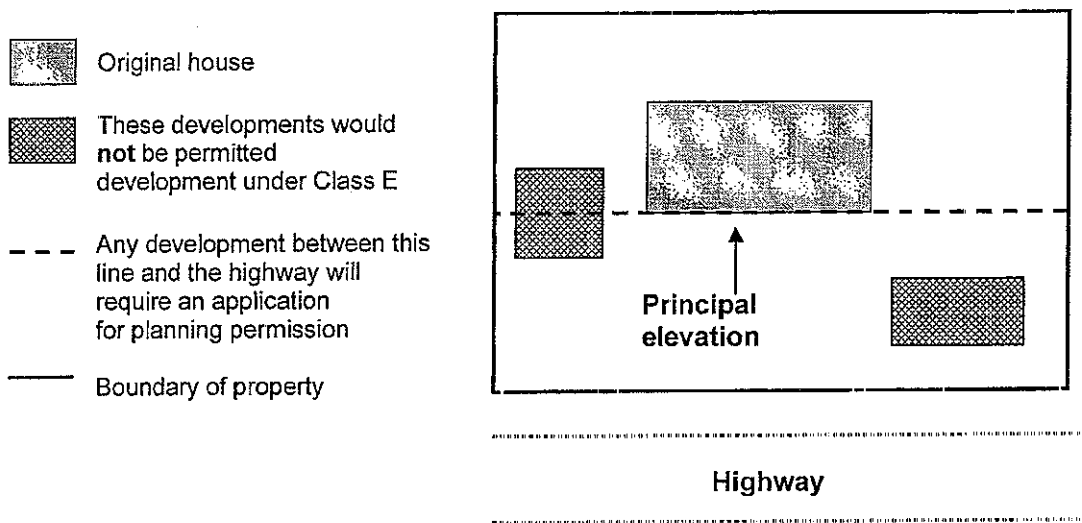
Technical guidance



- (b) *any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse*

The guidance on Class A permitted developments - section (d) - describes what will be the principal elevation of a house.

'Forward of a wall forming the principal elevation' means that development is not permitted under Class E in any area in front of the principal elevation of a house. It also prevents permitted development anywhere in front of a hypothetical line drawn through the principal elevation to the side boundary of the land surrounding the house. For example:



Where the principal elevation comprises more than one wall facing in the same direction, all such walls will form part of the principal elevation and the line for determining what constitutes 'extends beyond a wall' will follow these walls:

