



JUDITH DOUGLAS TOWN PLANNING LIMITED

Broad Oaks, Northcote Road, Langho, Blackburn BB6 8BG

Application for a lawful development certificate for the construction of pergola within the garden/domestic curtilage.

Supporting Planning Statement

JDTPL0012

Judith Douglas BSc (Hons), Dip TP, MRTPI



90 Pimlico Road, Clitheroe, Lancashire, BB7 2AH  
Telephone: 01200 425051  
Mobile: 07729 302644  
Email: [judith@jdouglastownplanning.co.uk](mailto:judith@jdouglastownplanning.co.uk)  
Website: [www.jdouglastownplanning.co.uk](http://www.jdouglastownplanning.co.uk)

## STATEMENT IN SUPPORT OF AN APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE CONSTRUCTION OF A PERGOLA AT BROAD OAKS, NORTHCOTE ROAD, LANGHO, BLACKBURN BB6 8BG

### 1 INTRODUCTION

- 1.1 This application is made under section 191(1) (b) of the Town and Country Planning Act 1990 as amended on the basis that a pergola has been erected on the land and has been in place for more than ten years.
- 1.2 This application is made by of Mr John Holland who bought Broad Oaks on the 5<sup>th</sup> August 2011. The previous owner of the property was Mr Stuart Pyecroft, and prior to this the property was owned by Mr and Mrs B Keegan. Mr Keegan obtain planning permission to convert the barn at Laycocks Farm to the dwelling now known as Broad Oaks in August 1990. He later obtained planning permission for a lean-to conservatory in November 1990.
- 1.3 The garden area to the property was laid out to be used with the dwelling. Mr Holland believes the pergola was installed at the time of the barn conversion, and was constructed out of old oak trusses and beams that were replaced on the house. The extent of the pergola for which is certificate is sought is shown on drawing 5119-01. Mr Holland confirms that the size and position of the pergola as shown on drawing 5119-01 has not altered since he has lived at Broad Oaks.
- 1.3 The reason for the application is to clarify the lawfulness of the pergola within the garden area as a planning application is also submitted in retrospect for alterations to the pergola to accommodate the installation of solar panels. The planning permissions granted for the conversion of the barn at Lacycocks Farm and the permission for the addition of a conservatory both included a 'location plan' indicating the extent of the application site. The area 'edged red' is taken to mean the extent of the domestic curtilage applied for in the planning application. The pergola is situated within the red edge. Had permitted development rights not been removed it is our view that the structure would not have required planning permission.

### 2 PLANNING HISTORY.

#### Relevant planning history of the site

- 2.1 3/1990/0462 Conversion of barn to single dwelling at Laycocks Farm, Northcote Road, Langho approved 13<sup>th</sup> August 1990. Applicant Mr Keegan<sup>1</sup>
- 2.2 3/1990/0823 Lean to conservatory at Laycock Barn, Northcote Road, Langho. Approved 23<sup>rd</sup> November 1990. Applicant Mr Keegan
- 2.3 Broad Oaks (formerly Laycocks Barn) was created through a barn conversion in the 1990's. The location plans below submitted with the planning applications above indicate the extent of the approved domestic curtilage. See figures 1 and 2.

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<sup>1</sup> Appendix 1 Decision notice 3/1990/0462P

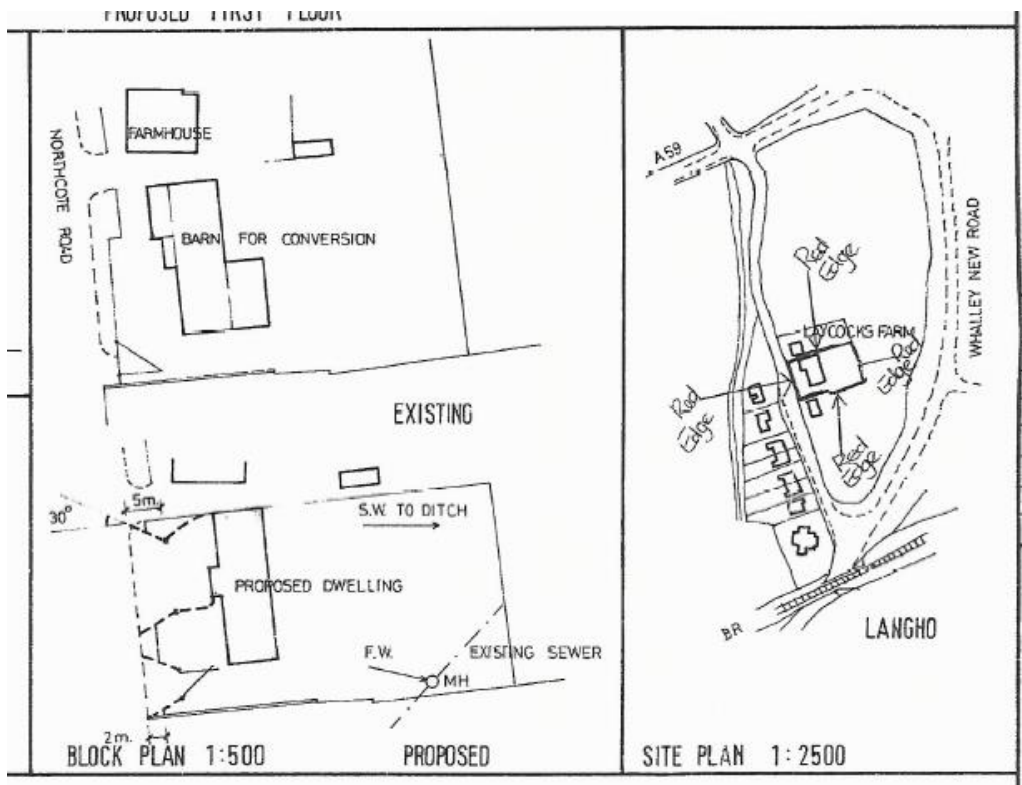


Fig 1 3/1990/0462 Curtilage

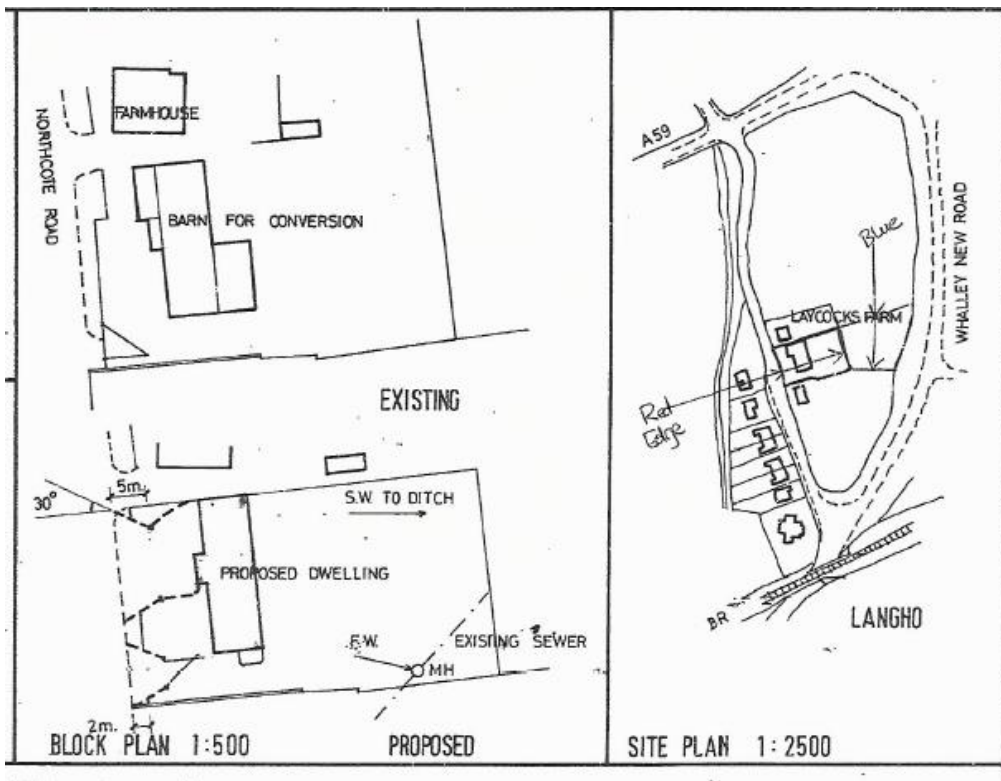


Fig 2 3/1990/0823 curtilage

2.5 Figures 1 and 2 shows the extent of the domestic curtilage approved under the two planning applications. The later application indicates that the ownership of the land extends towards Whalley Road. The first permission will have been granted before the development commenced and the second application would have been approved not long after.

### 3. EVIDENCE THAT THE PERGOLA WAS CONSRTECTED MORE THAN TEN YEARS AGO

- 3.1 The construction of the pergola would have amounted to operational development within the domestic curtilage of the dwelling Broad Oaks. This would be exempt from enforcement and would have become lawful after four years had there not been a condition attached to the planning permission removing permitted development rights. However, as the structure has been in place more than 10 years it is also exempt from enforcement and is now lawful even though it is in breach of this condition. The relevant period is ten years.
- 3.2 The Google images below all date from after the barn was converted to a dwelling. In all of the images it is possible to see the pergola in the same position and to the same extent as it is today. Although the 2000 image is poor quality it is possible to make out the pergola. In the 2003 photograph the horizontal bars on the top of the pergola are visible and appear in the same place in the 2009 image. The 2015 image shows the solar panels that have installed on the top of the pergola and it is clear that the structure is in the same position and has the same footprint.

#### Evidence of the construction of the pergola.

#### Photographic evidence

#### Aerial Photographs



1 Google earth image 1/1/2000



2 Google earth image 1/1/2003



3 Google earth image 30/5/2009



4 Google earth image 22/1/2015

#### 4 THIRD PARTY EVIDENCE TO SUPPORT THE CLAIM FOR A LAWFUL DEVELOPMENT CERTIFICATE

- 4.1 A domestic building survey by Jones Chartered Building Surveyors dated 22 February 2001 at page 14 refers to the timber pergola on the right-hand side boundary as being the location of an inspection chamber<sup>2</sup>. This confirms an accurate date when there was a pergola on the site.



5. Inspection chambers next to the pergola referred to by Jones Chartered Building Surveyors

#### 5 CONCLUSION

- 5.1 The information submitted with this application including photographs, corroborating information from an independent third party show that the pergola has been on the site in its current position in excess of 10 years and at least since February 2001. The structure is now lawful.

#### APPENDICES

1. Decision notice 3/1990/0462P
2. Domestic Building survey Jones Chartered Surveyors dated 22<sup>nd</sup> February 2001

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<sup>2</sup> Domestic Building survey Jones Chartered Surveyors dated 22<sup>nd</sup> February 2001