



27 September 2017

Our Ref: Ken/694/2374/GH

The Director of Planning and Development Control
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
BB7 2RA

Dear Sir

Suite 9
Grindleton Business Centre
The Spinney
Grindleton
Clitheroe
Lancashire
BB7 4DH

Tel: 01200 449700
www.ghaonline.co.uk
email: info@ghaonline.co.uk

Re: Planning application for a Certificate of Lawfulness for an existing use or activity to establish whether planning permission 3/1974/0357 (an amendment to previous permission 6/9/548) is extant, at land adjacent to Bromiley, Ribchester Road, Clayton le Dale, Blackburn, BB1 9EG.

This letter relates to an application, as described above, that we have submitted via the planning portal, which has been allocated the Portal Reference number PP 06417837. A cheque in the sum of £385 is enclosed in respect of the planning application fee.

The application follows the refusal of a previous application (3/2015/0122) in respect of which we sought Counsel's Advice.

We have submitted, with this current application:

- (1) Our instruction to Counsel, including all the evidence submitted with the original application, the Refusal Notice and the Officer's Delegated Item File Report.
- (2) Counsel's Advice.

Whilst the total content of Counsel's advice has therefore been submitted, we would refer specifically to paragraph 1 as follows:

"I consider that the Council considered the previous certificate application wrongly in applying the wrong legal test of the evidence and in failing to accept Mrs Panniker's sufficient evidence as to the implementation of the 1974 permission through the creation of the access on to the site. Further, the Council showed an egregious misunderstanding of the status of planning permission documents in considering the 1974 permission to be wholly dependent upon the 1955 permission. If the 1955 permission is no longer extant it has no impact upon the lawfulness of the implemented 1974 permission. If the previous refusal of a certificate were appealed I

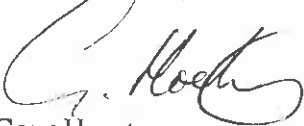


consider the Council would be open to significant criticism for the way in which it approached the decision. One would hope that a resubmitted application for a certificate would be considered in a lawful manner by the Council and that an appeal against the refusal would not be necessary."

We, therefore, respectfully request that you consider this current application paying regard to the submitted Counsel's Advice in its entirety and that, accordingly, a Certificate of Lawfulness is granted on the basis that planning permission 3/1974/0357 is extant.

We consider that the evidence that we have submitted should be sufficient for a decision to be made on the application. However, if you require anything further, please give us the opportunity to provide the same prior to the determination of the application.

Yours faithfully



Gary Hoerty