



RIBBLE VALLEY  
BOROUGH COUNCIL

For office use only

Application No.

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 an Existing use or operation or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2015

**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. Site Address**

Number

Suffix

Property name

Address line 1

Address line 2

Address line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

**2. Applicant Details**

Title

First name

Surname

Company name

Address line 1

Address line 2

Address line 3

## 2. Applicant Details

Town/city	<input type="text" value="Pendleton"/>
Country	<input type="text"/>
Postcode	<input type="text" value="BB7 1PP"/>

Are you an agent acting on behalf of the applicant?

Yes  No

Primary number	<input type="text"/>
Secondary number	<input type="text"/>
Fax number	<input type="text"/>
Email address	<input type="text"/>

## 3. Agent Details

Title	<input type="text" value="MR"/>
First name	<input type="text" value="PETER"/>
Surname	<input type="text" value="HITCHEN"/>
Company name	<input type="text" value="Peter Hitchen Architects"/>
Address line 1	<input type="text" value="Peter Hitchen Architects"/>
Address line 2	<input type="text" value="Marathon House"/>
Address line 3	<input type="text" value="The Sidings Business Park"/>
Town/city	<input type="text" value="Whalley"/>
Country	<input type="text" value="United Kingdom"/>
Postcode	<input type="text" value="BB7 9SE"/>
Primary number	<input type="text"/>
Secondary number	<input type="text"/>
Fax number	<input type="text"/>
Email	<input type="text"/>

## 4. Description of Use, Building Works or Activity

Please indicate why you are applying for a lawful development certificate

- An existing use  
 Existing building works  
 An existing use, building work or activity in breach of a condition

**Being a use, building works or activity which is still going on at the date of this application**

**If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to**

Use Classes	<input type="text" value="C3 - Dwellinghouses"/>
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## 5. Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

Domestic curtilage to Ash Lea

## 6. Grounds for application of a Lawful Development Certificate

Under what grounds is the certificate being sought

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?  Yes  No

Please state why a Lawful Development Certificate should be granted

The land area has been used as a domestic (manicured) garden for 10 plus years and supporting statement's of truth accompany this application

## 7. Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

16/06/1993

In the case of an existing use or activity in breach of conditions has there been any interruption?  Yes  No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?  Yes  No

### Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?  Yes  No

## 8. Site Visit

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?

- The agent
- The applicant
- Other person

## 9. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?  Yes  No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First name

Surname

Reference

Date (Must be pre-application submission)

## 9. Pre-application Advice

04/11/2019

Details of the pre-application advice received

Advice on the design of the proposed annex and the following remark:-

The change of use of the land may have become lawful by virtue of the passage of time. If the residential use has operated on the same piece of land without significant interruption or material change in scale, nature or intensity for the required time period specified under section 171B of the Town and Country Planning Act (TCPA) 1990 (i.e. 10 years) prior to the date of any application, it would be immune from enforcement proceedings.

It is advised that the lawful use of the extended garden area must be established through an application for a 'Certificate of Lawful Existing Use' prior to any planning application for the erection of an annex building on the site of the existing stables. There would be a requirement to demonstrate that, on the balance of probability, the land (and building) in question has been in residential use without significant interruption or material change in scale, nature or intensity for 10 years prior to the date of any formal application. With a Certificate of Lawfulness application the onus of proof is on the applicant and therefore an application should be supported by evidence such as aerial photographs, sworn affidavits and any additional information that could be considered as proof.

## 10. Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

## 11. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

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

It is an important principle of decision-making that the process is open and transparent.

Yes  No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

## 12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)