

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

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**Town and Country Planning Act 1990, section 192 as amended by section 10 of the Planning and Compensation Act 1991**

**CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT**

**APPLICATION NO:** 3/2021/0477  
**DECISION DATE:** 22 September 2021  
**DATE RECEIVED:** 11/05/2021

**APPLICANT:**

Mr Gioserano  
Martin Top Farm  
Martin Top Lane  
Rimington  
BB7 4EG

**AGENT:**

Mr Daniel Hughes  
PWA Planning  
2 Lockside Office Park  
Lockside Road  
Preston  
PR2 2YS

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**PROPOSED USE OR DEVELOPMENT:** Certificate of Lawfulness for a proposed first floor rear extension and single storey side extension.

**AT:** Martin Top Farm Martin Top Lane Rimington BB7 4EG

Ribble Valley Borough Council hereby certify that on the received date the use, operations or matter detailed above in respect of the land indicated within the application, was lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. The proposed works constitute permitted development under The Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 1, Class A subject to the external facing materials being of a similar appearance to those used in the construction of the exterior of the existing dwelling house.

*John Machole*

pp NICOLA HOPKINS

DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

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**Notes**

- 1 This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
- 2 It certifies that the use, operations or matter as specified taking place on the land identified on the attached plan would have been lawful, on the specified date and thus would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
- 3 This certificate applies only to the extent of the use, operations or matter described, and to the land specified and identified on the attached plan. Any use, operations or matter materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
- 4 The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
- 5 The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.

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| 1 | The applicant is advised that whilst the proposed first floor rear extension and single storey side extension are considered to be permitted development, the grant of this certificate does not provide a view in respect of the extent of the residential planning unit or residential 'curtilage' associated with Martin Top Farm. |
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**Notes**

**Right of Appeal**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal

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against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

**Purchase Notices**

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.