

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	Aighton Bailey and Chaigley War Memorial Hall
Address line 1	Avenue Road
Address line 2	Hurst Green
Address line 3	
Town/city	Clitheroe
Postcode	BB7 9QB

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

Easting (x)	368452
Northing (y)	438207

Description

A community built property located between the Bayley Arms Hotel and Shireburn Alms House

2. Applicant Details

Title	Mr
First name	Andrew
Surname	Macfarlane
Company name	
Address line 1	4 The Dene
Address line 2	Hurst Green
Address line 3	Clitheroe

2. Applicant Details

Town/city	Hurst Green
Country	United Kingdom
Postcode	BB7 9QF

Are you an agent? ☐ Yes ☒ No

Primary number	
Secondary number	
Fax number	
Email address	

3. Agent Details

No Agent details provided

4. Description of Use

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 select the relevant Use Class.

Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include Use Classes C2A and C4 or the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other

Other

Installation of a new ground source heating system.

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

We have installed a GSH system using the Bayley Field for the pipe work and the basement of the hall for the heat pump. Pipe work: there are three equally spaced apart underground chambers, each with ten pipes containing saline solution buried a meter below the surface. The pipes are respectively laid out from and back to each chamber for approximately 48 meters. This is part of the manifold. The chambers are built into the underground by a metre depth and are approximately 1.5m by 1.2m by 1m depth. The walls are breeze block. Each chamber has a metal cover with a locked access lid allowing for both visual and manual inspection/access to the pipework. Each chambers' daughter pipes are linked to a 'mother' pipe which follows a meter below the surface into the basement of the village hall. This pipework is mostly underground in the field with a spur under concrete going into the hall. Inside the hall basement, there is one heat pump, one buffer tank and related pressure/temperature dials, pipework that transfers the generated heat energy to the water that circulates throughout the hall in copper piping and distributes the heating through the associated radiators. There are thermostats in specific locations which can be manually or remotely controlled.

6. Grounds for application of a Lawful Development Certificate

Under what grounds is the certificate being sought

6. Grounds for application of a Lawful Development Certificate

- ☐ 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

We were advised by an officer in RVBC when we asked the question about seeking planning permission for GSH that it was not applicable so long as we followed the rules

I have researched your own RVBC planning website for guidance, and in addition, I looked up the website:

https://www.planningportal.co.uk/info/200130/common_projects/28/heat_pumps_non-domestic/2

which is headed: Planning permission for ground source heat pumps and continues as follows: .

When installing a ground source heat pump in the grounds of a non-domestic building, all the following conditions must be observed:..

•When no longer needed for microgeneration pumps should be removed as soon as reasonably practicable and the land should, as far as reasonably practicable, be restored to its condition before the development took place, or to the condition agreed in writing between the local planning authority and the developer. Not applicable for a long time I hope.

•The total area of excavation must not exceed 0.5 hectares. Our measurements indicate an area of 0.25 hectares

•Only one ground source heat pump is located within the curtilage of the building. Any more than one will require planning permission. We have only one pump inside the building.

The village hall committee is now applying to Ofgem for the RHI scheme (Renewable Heat Incentive) to which we have been granted an extension until March 2022. This gives us some payback for the financial investment we have. In our application - and all questions must have an answer or evidence - there is a question which relates to planning permission.

We must show that we have applied to the appropriate local council planning department for them to confirm that planning permission was not necessary because the development qualifies as 'permitted development' . Without this documented evidence we will not benefit from the RHI scheme. So we are asking for this documentation from RVBC Planning Department to help us proceed in our application to Ofgem

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)?

10/09/2021

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

Mr

First name

Stephen

9. Pre-application Advice

Surname	Kilmartin
Reference	email correspondence with Margaret Carrington
Date (Must be pre-application submission)	20/02/2020

Details of the pre-application advice received

The original enquiry from Mrs Carrington's reference the village hall heating was as follows:
We had a conversation with you in relation to Hurst Green village hall and whether we would need permission to install ground source heating to replace the current obsolete electric heating. Your guidance to us was that we would not need planning permission.
We are in the midst of a stage two application to the lottery to fund the new heating and they would like you to put your advice in writing via an email please. Might we ask that this be done quickly please as it is currently holding up the funding.
Thank you and kind regards
Margaret Carrington
Deputy Chair Aighton Bailey and Chaigley Parish Council

Mr Kilmartin's response was:
Based on the information provided below I can confirm that the change from electric heating to ground source heating, including the installation of a heat pump and replacement radiators would not require planning consent.

10. Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner
☐ Lessee
☐ Occupier
☒ Other

If Other, please give the names and addresses of anyone who has an interest in the land and state the nature of their interest (if known)

The grounds and building are held in Trust by the Parish Council of Aighton Bailey and Chaigley.

Have they been informed of the application? ☒ Yes ☐ No

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) 15/12/2021