

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

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

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

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

REFUSAL OF CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

APPLICATION NO: 3/2025/0014

DECISION DATE: 12 March 2025

DATE RECEIVED: 17/01/2025

APPLICANT:

Mr Mark Byrne
Boutique Homes Ltd
4 Park Farm View
Barrow
Clitheroe
BB7 9YS

AGENT:

Mr Paul Derbyshire
PD Construction Consultants
7 Beech Street
Clitheroe
BB7 2LL

PROPOSED USE OR DEVELOPMENT: Lawful Development Certificate for proposed reinstatement of previous use.

AT: 27-29 Bawdlands Clitheroe BB7 2LA

Ribble Valley Borough Council hereby give notice that the application for a certificate of lawfulness for the proposed use or development in respect of the above land **has been refused**. The reason for this decision is as follows:

1. The uses proposed under this Certificate of Lawfulness application would involve a change of use of ground floor floorspace in Use Class E to Use Class C4, for which no provisions are made within Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015. Furthermore, it would result in a mixed-use Sui Generis development. The uses proposed for the application property would therefore constitute a material change of use requiring planning consent and as such would fall outside the scope of lawful development.

Nicola Hopkins

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

Notes

1. This Decision Notice should be read in conjunction with the officer's report which is available to view on the website.

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.

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- 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 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.