


**Report to be read in conjunction with the Decision Notice.**

<b>Signed:</b>	<b>Officer:</b>	<b>EP</b>	<b>Date:</b>	<b>10/07/2025</b>	<b>Manager:</b>	<b>SK</b>	<b>Date:</b>	<b>11.07.25</b>
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<b>Application Ref:</b>		2025/0253		 <div>Ribble Valley Borough Council</div> <hr/> <div><a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a></div>
<b>Date Inspected:</b>	N/A	<b>Site Notice:</b>	N/A	
<b>Officer:</b>	EP			
<b>DELEGATED ITEM FILE REPORT:</b>				<b>APPROVAL</b>

<b>Development Description:</b>	Certificate of lawfulness for existing garden room extension.
<b>Site Address/Location:</b>	1 Hillside View, Clitheroe BB7 1GT.

<b>CONSULTATIONS:</b>	<b>Parish/Town Council</b>
No comments received.	

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
<b>LCC Highways:</b>	N/A

<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
No comments received.	

**RELEVANT POLICIES AND SITE PLANNING HISTORY:**

Town and Country Planning Act 1990 Section 191

Planning and Compensation Act 1991 Section 171B Time limits

National Planning Practice Guidance: Lawful development certificates

**Relevant Planning History:**

**2016/0324:** Phase 01 Reserved Matters application (access, layout, scale, external appearance and landscaping) for the erection of 229 dwellings pursuant to outline consent 3/2015/0895. (approved with conditions) – Permitted Development Rights removed.

**ASSESSMENT OF PROPOSED DEVELOPMENT:****Site Description and Surrounding Area:**

The application relates to a detached dwelling in Clitheroe hosting a corner position on the junction of Hillside View with Pendleton Avenue. The application dwelling does not fall on any designated land and the surrounding area is predominately residential in nature.

**Proposed Development for which consent is sought:**

The application seeks to establish the lawfulness of an existing garden room erected to the side elevation of the application dwelling. It is understood that the extension was erected under the belief that it fell in

line with the allowances for permitted development. However, the application property does not benefit from permitted development rights. The application therefore seeks to determine whether the development is now lawful via the passage of time.

#### **Principle of Development:**

Section 191 of the TCPA gives provisions to a person to establish whether an existing use of buildings or land, any operational development or any activity in breach of a planning condition is lawful.

For the purposes of this Act uses and operations are lawful at any time if no enforcement action may then be taken in respect of them because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason.

Section 171B of the Town and Country Planning Act states that '*Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed*'.

Furthermore section 191 of the same act states that:

*If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.*

The applicant suggests that the proposed extension was erected and substantially completed in excess of 4 years ago and therefore the time in which enforcement action could be taken has lapsed, making the development lawful.

In support of the application the following has been submitted:-

Location Plan

A series of a timestamped images dated between the 9<sup>th</sup> July and the 26<sup>th</sup> August 2020.

A building invoice from Starc Construction Ltd.

#### **Observations/Consideration of Matters Raised/Conclusion:**

The timestamped images show the development to be substantially completed by the by the 26<sup>th</sup> August 2020. The other images provided show a brief timeline of construction, with the earliest image from July 2020 showing the elevations to be constructed, but no finished roof.

The accompanying invoice, which is addressed to the applicant and highlights the application property address, shows various payments made between May 2020 and August 2020. This corresponds with the timestamped images.

In addition, a search of the councils building control application history was conducted. This revealed that an initial inspection was undertaken by building control in in early June 2020 following the submission of an application in May of the same year noting that foundations were in place. There was no completion statement no file or final inspection recorded. However, despite the lack of a completion statement, there is evidence to suggest that the extension was not substantially completed in August 2020.

Based on the above, the council has no reason to believe that the development was not substantially completed in excess of 4 years prior to the date of the application. Sufficient supporting evidence as required by Section 191 of the Town and Country Planning Act 1990 to evidence that the works had been reasonably

completed in excess of four years ago to align with the time limits within Section 171B of the same act are available.

As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval.

<b>RECOMMENDATION:</b>	
That the certificate of lawfulness be granted.	