


Report to be read in conjunction with the Decision Notice.

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| Signed: | Officer: | MC | Date: | 13/06/2025 | Manager: | LH | Date: | 13/6/25 |
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| Application Ref: | 3/2025/0219 |  Ribble Valley Borough Council www.ribblevalley.gov.uk |
| Date Inspected: | N/A | |
| Officer: | MC | |
| DELEGATED ITEM FILE REPORT: | | REFUSAL |

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| Development Description: | Certificate of Lawfulness for existing use as B8 commercial storage. |
| Site Address/Location: | Meadow Brook Barn, Saccary Lane, Mellor, BB1 9DW |

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| CONSULTATIONS: | Parish/Town Council |
| N/A | |

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| CONSULTATIONS: | Highways/Water Authority/Other Bodies |
| N/A | |

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| CONSULTATIONS: | Additional Representations. |
| N/A | |

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| RELEVANT POLICIES AND SITE PLANNING HISTORY: |
| Town and Country Planning Act 1990, Section 171(B); Section 191 National Planning Practice Guidance: Lawful Development Certificates |
| Relevant Planning History: |
| 3/2025/0016 Certificate of Lawfulness for existing use as B8 commercial storage. Refused |
| 3/2018/0755 Conversion of barn to dwelling house Refused |
| 3/1986/0689 Change of use of barn to dwelling Refused |

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| ASSESSMENT OF PROPOSED DEVELOPMENT: |
| Site Description and Surrounding Area: |
| The application relates to a piece of land located off Saccary Lane which is located approximately 1.49 km to the North-East of the village boundary of Mellor. The submitted supporting statement indicates that the site is a mixed-use site and comprises various elements of commercial and |

residential and was formerly part of a working farm and used for agricultural purposes. The Councils records indicate that there is a two-storey barn with associated single storey structures and also within the site, google street view and satellite imagery shows there to be storage containers and building materials/stored within the site.

Proposed Development for which consent is sought:

This is an application for a Certificate of Lawfulness to regularise the use of buildings and land within the red line boundary.

This certificate follows the recent refusal of planning ref: 3/2025/0016 which was refused for the following reason:

1. The applicant has failed to demonstrate that, on the balance of probability, the building and land to which the application relates (Meadow Brook Barn) has been used for B8 commercial storage purposes for continuous period in excess of 10 years, and therefore the use is not considered lawful by virtue of Section 191 of the Town and Country Planning Act 1990.

As submitted within the application form, the applicant considers there has been a material change of use in the land from agriculture to Use Class B8 (Storage and Distribution). As such, the applicant seeks confirmation of the above in the form of a Lawful Development Certificate.

Previously, concerns were raised that the building and land was used for purposes other than B8 storage and distribution based on the evidence supplied within the application.

Submitted Evidence:

- Site Location Plan (Appendix 1)
- Updated Statutory Declaration from Zac Colligne (applicant) (Appendix 2)
- Updated Statutory Declaration from Jacqueline Colligne (Appendix 3)
- Statutory Declaration from Andrew Shuttleworth (Appendix 4)
- Statutory Declaration from Carmel Harding (Appendix 5)
- Statutory Declaration from Dennis Elliot (Appendix 6)
- Statutory Declaration from Sean Marsden (Appendix 7)
- Statutory Declaration from David Schofield (Appendix 8)

In addition, the applicant has provided a timeline for the uses for clarity. This is as follows:

- 1988 to 2002 – commercial equestrian use – some wedding car storage.
- 2002 – 2018 – storage of wedding cars, carriages.
- 2018 – present day – storage of machinery, tools and equipment alongside some storage for the remaining wedding cars and carriages.

Section 4 of the applicants supporting statement states that there has been no break in the use class (B8) and that many of the wedding cars have remained in there and are still in there today, along with the Applicants machinery/tools.

Assessment of proposal:

The lawfulness of the existing use in question rests upon a detailed assessment of the supporting information provided as part of the application in relation to the provisions of Section 171(B) of the Town and Country Planning Act (1990) (the Act).

Section 171(B) of the Act provides timescales whereby unauthorised development becomes immune from enforcement action and as such becomes lawful as follows:

(1) 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—

(a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed, and

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of—

(a) in the case of a breach of planning control in England, ten years beginning with the date of the breach

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

In this instance, it is the applicant's claim that the buildings and land outlined within the red line boundary have been in commercial use (Class B8 Storage and distribution) for a continuous period in excess of ten years before the date of this application. Although paragraph 2.2 of the supporting statement indicates that since the applicants' parents purchased the site in 1988, the use of agriculture ceased and the site and particularly the barn has been used for a number of purposes in conjunction, those being a car hire business 'Cars for all occasions', commercial storage, residential storage, workshop and commercial equestrian facilities.

Accordingly, the lawfulness of the existing use in question rests upon a detailed assessment of the supporting information provided as part of the application in relation to the provisions of Section 171(B) (3) of the Town and Country Planning Act (1990) (the Act).

National Planning Practice Guidance states:

'The applicant is responsible for providing sufficient information to support an application...if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.'

The submitted supporting statement indicates that the applicant acquired the site from his parents on 21st September 2022 but has been operating his construction business since 2018 directly from the site and from within 'Meadow Brook Barn'.

Taking each of the pieces of evidence in turn, an assessment shall be made as to whether the statutory declarations sufficiently confirm the breach of planning.

It should be noted that Appendix 2 and Appendix 3 have been updated, however the remaining appendices remain the same as the refused scheme. Concerns were raised regarding Appendices 4-8 that whilst they noted that the site was used to operate a commercial business 'Cars for All Occasions' by the applicants' father, they did not sufficiently evidence that on the balance of probabilities, the site was not used for other purposes including equestrian lettings and a car hire businesses which were both considered to be sui generis.

Appendix 2 is a statutory declaration from the applicant which states that prior to the applicants ownership, the site was owned by the applicants parents from 1988 until 21 September 202. In 1988

the agricultural use ceased and the building was utilised to operate the business 'Cars for all occasions' commercial storage, ancillary residential storage and a part workshop. In addition, the declaration now states that from 2002 to 2018, the building was used for the storage of wedding cars and carriages associated with the applicants parents business and then since May 2018, the applicant has continuously, without a break used the site for the storing of equipment and materials associated with their construction business.

Making an assessment of the updated statutory declaration, whilst the declaration does indicate that the applicant has continuously used the site for the purposes of storing materials and equipment associated with the construction business since May 2018, there is no reference made to how the site was used between 2002 – 2018, only the building.

Paragraph 1.3 of the applicants supporting states that the applicant seeks to regularise the site as a whole. As such, this does not include just the building and it is not considered that the updated statutory declaration demonstrates that the 'site' has been used continuously, without a break for B8 storage purposes in excess of 10 years.

Paragraph 3 of the statutory declaration from Jaqueline Collinge states the site was used for the same historical uses as within the statutory declaration outlined in Appendix 2. The statutory declaration has since been updated to state that from 2002-2018 the building was used for the storage of wedding cars and carriages associated with the 'Cars for all occasions business. However, again, this does not confirm that the whole site has been used for this purpose, only the building. There is therefore ambiguity as to how the rest of the site was used for this time period.

It should also be noted that Paragraph 5 of Appendix 3 previously state the following (under planning ref: 3/2025/0016):

"From my direct personal knowledge, I can confirm that I JACQUELINE COLLINGE have only know Meadow Brook Barn to be used in connection with my sons construction business, his father's car rental business, commercial equestrian stabling, ancillary residential storage, commercial storage and for no other uses".

Paragraph 5 now states:

"From my direct personal knowledge, I confirm that I JACQUELINE COLLINGE have only know Meadow Brook Barn to be used in connection with my sons construction business for storage and distribution of his fathers 'Cars for all occasions' business, which was commercial storage and for no other uses. All of which would be considered B8 (Storage and Distribution)".

This raises further ambiguity as the use of the building as a car rental business, for commercial equestrian stabling and ancillary residential storage have been omitted from the declaration and appear to conflict with Jacqueline Collinge's previous knowledge of the use of the building.

In addition, this again, does not evidence the use of the site as a whole for Class B8 storage and distribution purposes, continuously, without a break, in excess of 10 years.

Lastly, the supporting information associated with planning application ref: 3/2018/0755 stated the following:

"The building is represented physically by a long barn building which has not been used in association with it's original farming purpose although there are some domestic chattels currently stored within the building".

The supporting statement also stated that:

“Finally in regard to [d], there is no question about the longevity of the building which was last used in association with the agricultural use of the adjoining land. There has been no intervening use apart from the current owner storing chattels within it.”

Again, this evidence alone does not sufficiently demonstrate that the site as a whole was used for storage purposes and does not demonstrate a continuous use, without a break, in excess of 10 years and there are concerns that the site has been used for other uses based on the information submitted with this application, as well as the omitted information within the amended statutory declarations.

Observations/Consideration of Matters Raised/Conclusion:

Evidence has been provided in support of the application in an attempt to demonstrate that the buildings and land subject to this application have been continuously used for a period in excess of 10 years in relation to the applicant’s and applicant’s parents business operations as B8 commercial storage, however the evidence provided does not demonstrate this continuous use in excess of 10 years.

As confirmed in the National Planning Practise Guidance, the onus is on the applicant to demonstrate that the building and land has been continuously used for storage purposes for a period of at least 10 years and that the applicant’s evidence must be sufficiently precise and unambiguous even in the absence of any contradictory evidence. For the reasons detailed above, it is not considered that the level and quality of information/ evidence submitted with this application is ‘precise and unambiguous’ in order to justify that the Lawful Development Certificate should be issued.

On the basis of the available evidence and the balance of probabilities, it is not considered that the buildings and area of land subject to this application has been used for B8 commercial storage purposes for a continuous period in excess of 10 years and therefore is not considered lawful by virtue of Section 191 of the Town and Country Planning Act 1990.

RECOMMENDATION: That the certificate of lawfulness be refused for the following reason:

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| 01: | The applicant has failed to demonstrate that, on the balance of probability, the building and land to which the application relates (Meadow Brook Barn) has been used for B8 commercial storage purposes for continuous period in excess of 10 years, and therefore the use is not considered lawful by virtue of Section 191 of the Town and Country Planning Act 1990. |
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