

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

|                |                 |           |              |                |                 |           |              |                |
|----------------|-----------------|-----------|--------------|----------------|-----------------|-----------|--------------|----------------|
| <b>Signed:</b> | <b>Officer:</b> | <b>SK</b> | <b>Date:</b> | <b>13.6.25</b> | <b>Manager:</b> | <b>LH</b> | <b>Date:</b> | <b>16/6/25</b> |
|----------------|-----------------|-----------|--------------|----------------|-----------------|-----------|--------------|----------------|

|                                    |           |                     |     |                                                                                                                                                                                                              |
|------------------------------------|-----------|---------------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Ref:</b>            | 2025/0444 |                     |     | <br><b>Ribble Valley<br/>Borough Council</b><br><hr/> <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a> |
| <b>Date Inspected:</b>             | N/A       | <b>Site Notice:</b> | N/A |                                                                                                                                                                                                              |
| <b>Officer:</b>                    | SK        |                     |     |                                                                                                                                                                                                              |
| <b>DELEGATED ITEM FILE REPORT:</b> |           |                     |     | <b>APPROVAL</b>                                                                                                                                                                                              |

|                                 |                                                                                                                                                         |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Development Description:</b> | Certificate of Lawfulness for existing development to establish commencement of planning permission 3/2012/0797 for Proposed Static Caravan/Lodge Park. |
| <b>Site Address/Location:</b>   | Land adjacent to Southport House, Hollins Syke, Sawley BB7 4LE.                                                                                         |

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|-----------------------|----------------------------|
| <b>CONSULTATIONS:</b> | <b>Parish/Town Council</b> |
| N/A                   |                            |

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

|                                                            |                                    |
|------------------------------------------------------------|------------------------------------|
| <b>CONSULTATIONS:</b>                                      | <b>Additional Representations.</b> |
| No representations received in respect of the application. |                                    |

**RELEVANT POLICIES AND SITE PLANNING HISTORY:**

Section 191 of the Town and Country Planning Act 1990.  
Section 56 of the Town and Country Planning Act 1990.  
National Planning Practice Guidance: Lawful Development Certificates

**Relevant Planning History:****3/2023/0246:**

Proposed demolition of four existing agricultural buildings and construction of two self-build family eco-homes. (Refused – appeal dismissed)

**3/2018/0061:**

Conversion of existing poultry shed to three dwellings under Class Q (A and B). (Refused)

**3/2016/0509**

Discharge of condition 2 (ground floor stone surround design) of planning permission 3/2016/0308. (Approved)

**3/2016/0101:**

Discharge of Condition(s) 4 (materials), 6 (foul and surface water drainage), 8 (tree protection), 10 (surface finishes) of planning permission 3/2012/0797. (Approved)

**3/2012/0797:**

Proposed Static Caravan/Lodge Park. (Approved)

## ASSESSMENT OF PROPOSED DEVELOPMENT:

### Proposed Development for which consent is sought:

The application seeks clarification that operational works undertaken on site, pursuant to outline planning consent 3/2012/0797 constitute commencement of development (material operations) as defined within Section 56 of the Town and Country Planning Act, with the application also seeking to confirm that the material operations have been undertaken within the requisite three-year time period.

### Assessment of Proposal:

The application seeks to establish that operations/works carried for the erection of 11 holiday constitutes commencement of development pursuant to planning consent 3/2012/0797. The original consent to which the application relates granted consent for the erection of 11 holiday lodges on site.

At the time of the granting of the consent 3/2012/0797 (granted 15<sup>th</sup> February 2013) the following timescale condition was imposed:

*'The development must be begun no later than the expiration of three years beginning with the date of this permission.*

*REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990'.*

As such, commencement of development, by virtue of material operations, would have to be undertaken prior to the 15<sup>th</sup> of February 2016. In respect of the range of operations that would constitute 'commencement of development' - Section 56 of the Act reads as follows:

#### **56 Time When Development begun.**

- 1) *Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—*
  - a) *if the development consists of the carrying out of operations, at the time when those operations are begun;*
  - b) *if the development consists of a change in use, at the time when the new use is instituted;*
  - c) *if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).*
- 2) *For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.*

With section 56 (4) defining 'Material Operations' as follows:

- 4) *In subsection (2) "material operation" means—*
  - a) *any work of construction in the course of the erection of a building; (aa) any work of demolition of a building;*

- b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;*
- c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);*
- d) any operation in the course of laying out or constructing a road or part of a road;*
- e) any change in the use of any land which constitutes material development.*

The applicant has provided photographic evidence in respect of the laying of the slab with an 'initial notice' in respect of the works having been submitted to the Local Authority's Building Control department on the 08/02/2016 by an Approved inspector which would be within the requisite three year time period as required by condition 01 pursuant to planning permission 3/2012/0797.

In respect of the works undertaken on site, it is considered that they would constitute 'material operations' as defined within Section 56 (4)(a) and (b) of The Act.

Further to the above, all pre-commencement conditions imposed pursuant to permission 3/2012/0797 (namely 4, 6, 8 and 10) have been discharged in part and as such the commencement of the material operations on site, at this stage, would not breach any of the conditions imposed pursuant to the permission to which the application relates.

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

On a balance of probability, based on the submitted evidence and in the absence of any other evidence to dispute the submitted supporting information. It is considered that laying of a foundation slab at 'Land Adjacent Southport house' constitutes a material operation as listed at Sec.56 (4)(a) and (b) and as such the development to which the application relates (pursuant to planning consent 3/2012/0797) has been lawfully commenced in accordance with Sec.56 (2) of the Town and Country Planning Act within the requisite time period.

#### **RECOMMENDATION:**

That consent for a Certificate of Lawfulness be granted on the following grounds:

On the basis of the evidence provided it is considered that the material operational works subject to this application (laying of a foundation slab) constitutes a material operation as listed at Sec.56 (4)(a) and (b). With the development having been lawfully implemented in accordance with Sec.56 (2) of the Town and Country Planning Act, within the requisite time-period(s) as imposed pursuant to planning consent (3/2012/0797).