


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	LW	Date:	30/09/25	Manager:	SK	Date:	1.10.25
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Application Ref:	3/2025/0638				Ribble Valley Borough Council <small>www.ribblevalley.gov.uk</small>
Date Inspected:	N/A	Site Notice:	N/A		
Officer:	LW				
DELEGATED ITEM FILE REPORT:					APPROVAL

Development Description:	Certificate of Lawfulness for existing use of land as part of residential curtilage for Horton Grange.
Site Address/Location:	Land to the rear Horton Grange, Horton Road, Horton, BD23 3JT.

CONSULTATIONS:	Parish/Town Council
N/A	

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

CONSULTATIONS:	Additional Representations.
N/A	

RELEVANT POLICIES AND SITE PLANNING HISTORY:

The Town and Country Planning Act 1990 Section 191

The Planning and Compensation Act 1991 Section 171B Time Limits

Relevant Planning History:

3/2002/0544: Extension of garden area adjacent to new garage block (Approved).

3/2002/0501: Demolition of existing outbuildings (approved under 3/1998/0446) and construction of new garage, stable and entrance porch, extension of garden area (Listed Building Consent) (Approved).

3/2002/0519: Demolish existing outbuildings and construction of new garage, stable and entrance porch onto existing dwellinghouse (Approved).

3/2001/0449: Remove render to north and east elevations, repair and re-point stonework (Listed Building Consent) (Approved).

3/2000/0892: Addition of roofs to existing bay windows. Remove render on front elevation, sandblast and repoint (Listed Building Consent) (Approved).

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to Horton Grange, a Grade II Listed dwellinghouse accessed off Horton Road. The site to which the proposal relates is located outside of any defined settlement boundary and on land which benefits from an Open Countryside designation.

Proposed Development for which consent is sought:

The application seeks to establish the lawful use of an area of land as domestic curtilage in association with the residential property known as Horton Grange, having regard to Section 171(B) of the Town and Country Planning Act 1990. It is the applicant's claim that the land has been used for domestic purposes for a period in excess of 10 years.

The application is being made in accordance with Section 191 of the Town and Country Planning Act 1990, and the onus is on the applicant to prove 'on the balance of probability' that the domestic use of the land is lawful.

National Planning Practice Guidance states that 'in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise made the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability'.

Other Matters:

The main issue is whether or not there is sufficient evidence to support that there has been a continuous domestic use of the land in question for more than 10 years before the date of this application, in relation to the provisions of Section 171(B) of the Town and Country Planning Act.

Section 171(B) of the Act provides timescales whereby unauthorised development becomes immune from enforcement action and as such becomes lawful. With respect to the change of use of land, Section 171(B) reads as follows:

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.

It is the applicant's claim that the land the subject of this application has been used as domestic curtilage since 2010. In terms of supporting evidence, the application has been accompanied by a signed declaration from both the current and previous owners of Horton Grange, a copy of an invoice for wooden fencing dated 16th May 2010, and a planning statement including a series of aerial photographs dating back to December 2010.

The information contained within the supporting documents states that the area of land edged red, to the west of Horton Grange, has been utilised for the parking of vehicles in conjunction with the residential property at Horton Grange since 2010, by both the former and current owners of the property. It is stated that the use of the land for car parking was first established by the installation of wooden fencing and a gravelled surface in 2010.

A review of the submitted aerial photography as well as Google Earth imagery shows that the land has been separated from the adjoining field, gravelled and enclosed with fencing since December 2010, with vehicles also seen to have frequently used the area for parking.

Taking account of the submitted supporting information and in the absence of any other evidence to suggest otherwise, it is considered that the land has been used as a domestic parking area in association with Horton Grange for a period in excess of 10 years.

Observations/Consideration of Matters Raised/Conclusion:

On the basis of the available evidence and the balance of probabilities, it is considered that the area of land edged in red on the submitted 'Location Plan Wider Ownership' (dwg no. 5152_02) has been used as residential curtilage in association with the residential property known as Horton Grange for a period in excess of 10 years and is therefore considered lawful by virtue of Section 191 of the Town and Country Planning Act 1990.

RECOMMENDATION:	That the Certificate of Lawfulness be granted.
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