

Report to be read in conjunction with the Decision Notice.							
Signed:	Officer:	EP	Date:	14/10/2025	Manager:	SK	Date: 14.10.25

Application Ref:	3/2025/0661			 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	Site Notice:	N/A	
Officer:	EP			
DELEGATED ITEM FILE REPORT:				APPROVAL

Development Description:	Certificate of Lawfulness for proposed erection of new timber fences.
Site Address/Location:	14 Nethertown Close, Whalley BB7 9SF.

CONSULTATIONS:	Parish/Town Council
N/A	

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

CONSULTATIONS:	Additional Representations.
No comments received.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:
The proposal is assessed against the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
Relevant Planning History: 3/2024/0772: Proposed installation of secondary acoustic fencing alongside existing boundary fencing which is to be retained. (approved). 3/2014/0111: Change of house type to Plot 3 of previously approved application 3/2013/0004 (Approved). 3/2013/0004: Full application for the erection of 4 dwellings (alternative scheme to that approved under reference 3/2009/0807) (Approved). 3/2012/1069: Application for the renewal of planning permission 3/2009/0807P for demolition of an existing agricultural building and its replacement with four holiday cottages in two stone built buildings together with garden areas and parking (Approved). 3/2012/0264: Application to remove condition no.4 (occupancy period) from planning permission 3/2009/0807P to allow the holiday lets to be used as permanent residential dwellings (Approved).

3/2009/0807: Demolish an existing agricultural building and replace it with four holiday cottages in two stone built buildings, together with garden areas and parking (Approved).

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to a two-storey detached dwellinghouse at no.14 Nethertown Close, situated just outside of the defined settlement area of Whalley.

Proposed Development for which consent is sought:

Consent is sought for the erection of a timber fence with a maximum height of 1.8m.

Principle of Development:

The proposal seeks to determine whether the proposal falls under the realm of permitted development or if full planning consent is required.

Assessment of proposal in relation to the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015:

In order to be permitted development, the proposal needs to satisfy a number of criteria as comprised in Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

A.1 Development is not permitted by Class A if—

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

(ii) in any other case, 1 metre above ground level;

The proposed fence is not adjacent to a highway.

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

The proposed fence would have a maximum height of 1.8m.

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

The proposed development is for the erection of a new fence that does not exceed 2 metres in height.

(d) it would involve development within the curtilage, or to a gate, fence, wall or other means of enclosure surrounding, a listed building

The application property is not a listed building.

The proposal meets the above criteria to be classed as permitted development.

Observations/Consideration of Matters Raised/Conclusion:

The proposed works constitute permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 2, Class A.

RECOMMENDATION:	To approve the application for a Certificate of Lawfulness.
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