

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	MC	Date:	11/11/2025	Manager:	LH	Date:	12/11/25
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Application Ref:	3/2025/0784			 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	Site Notice:	N/A	
Officer:	MC			
DELEGATED ITEM FILE REPORT:				APPROVAL

Development Description:	Certificate of Lawfulness for existing development to establish lawful commencement of planning permission 3/2024/0983 (4 commercial units)
Site Address/Location:	Land at the north of the Chapel Hill site, Longridge

CONSULTATIONS:	Parish/Town Council
N/A	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
N/A	
N/A	
CONSULTATIONS:	Additional Representations.
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:

3/2024/0983

Variation of condition 17 (SW drainage) on permission 3/2021/1262 for the erection of 4no. commercial units (Use Class E) to allow the verification report to be provided after the commencement of works.

Approved with Conditions

3/2024/0389

Approval of details reserved by conditions 8 (tree and hedgerow protection), 9 (construction traffic management plan), 14 (surface water drainage strategy), 15 (construction SW management plan), 16 (SW drainage operation and maintenance manual), 17 (SW verification report) and 20 (Phase 2 land contamination report) of planning permission 3/2021/1262.

Approved with Conditions

3/2021/1262

Full application for the erection of 4no. commercial units (Use Class E).

Approved with Conditions

ASSESSMENT OF PROPOSED DEVELOPMENT:

Proposed Development for which consent is sought:

The application seeks clarification that operational works undertaken on site, pursuant to planning consent 3/2024/0983 constitute commencement of development (material operations) prior to the expiration of the above extent planning permission.

Assessment of Proposal:

The application seeks to establish that operations/works carried for the erection of 4 commercial units constituted the commencement of development pursuant to planning consent 3/2024/0983.

The original planning application (3/2021/1262) was subsequently varied under planning ref: 3/2024/0983 to allow the verification report to be provided after the commencement of works.

Planning ref: 3/2024/0983 was approved with conditions on 12 March 2025 and the following timescale condition was imposed:

The development must be begun not later than the 10th October 2025.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

As such, commencement of development, by virtue of material operations, would have to be undertaken prior to the 10th October 2025. 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.*

Firstly, it should be noted that planning ref: 3/2024/0983 did not include any pre-commencement conditions as these had already been previously formally discharged in part and amended accordingly within the decision notice for 3/2024/0983. 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.

The applicant has provided photographic evidence in respect of works that have taken place on site. This includes the construction of permanent access road, groundworks and preparation as well as the installation of services, as further discussed below. Paragraph 4.3 of the applicants statement notes that the site preparations have been underway for some time and operations officially commenced on 1 September 2025.

The applicant notes that in accordance with (S56(4)(d)), a substantial section of the new access road has been constructed which involved significant groundworks, including the consolidation of levels and the preparation of the sub-surface. The road's sub-base has been laid with aggregate and compacted, before being finished with a tarmac surface (approximately 40 tonnes).

With regards to (S56(4)(a) & (b)), wider areas of the site have been dressed and levelled off, creating surfaced ready for the next phases of construction. The report indicates that the photographs submitted show stockpiles of materials (for example stone and aggregate) on site, which have been brought in for the foundations of the buildings. It is not considered that these works would fall within the scope of (S56(4)(a) & (b) and it is unclear from the photographs whether trenches have been laid for foundations with the associated land levelling.

In addition, the installation of services has commenced with some connections being laid, meeting the requirement of (S45(4)(c). This is evidenced within the submitted photographs.

The submitted photographs were taken on 22 September 2025 (albeit not date stamped) which show the laying of the proposed access road with the installation of services (manhole covers) on flattened land associated with the development. Given that the application was made valid on 30 September, the works would have taken place prior to the 10 October 2025. The Council are satisfied that the photographs demonstrate the laying of the access track as shown on drawing number '4021/3 Revision: G'.

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

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 the operations identified above constitute a material operation as listed at Sec.56 (4)(c) and (d) and as such the development to which the application relates (pursuant to planning permission ref: 3/2024/0983) 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 constitute a material operation as listed at Sec.56 (4)(c) and (d). 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 permission ref: 3/2024/0983.