

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	MC	Date:	03/12/2025	Manager:	LH	Date:	5/12/25
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Application Ref: 3/2025/0825

Date Inspected: N/A

Officer: MC



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

DELEGATED ITEM FILE REPORT:

APPROVAL

Development Description: Certificate of lawfulness for existing development involving construction of single storey flat roof sun lounge extension, insertion of rooflights and use of agricultural building as a residential garage

Site Address/Location: The Stables Preston Road Longridge PR3 3BL

CONSULTATIONS: Parish/Town Council

N/A

CONSULTATIONS: Highways/Water Authority/Other Bodies

N/A

CONSULTATIONS: Additional Representations.

N/A

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:

3/2005/1090

Conversion of outbuildings to holiday cottage.
Withdrawn

3/2006/0273

Resubmission of proposal to convert existing outbuildings into holiday cottage
Approved with Conditions

3/2011/0951

Application for the removal of condition no. 11 (occupancy period) of planning consent 3/2011/0957P, to allow the building to be used as permanent residential accommodation.
Approved with Conditions

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The property relates to an existing single storey detached dwelling located within the Open Countryside, outside the settlement boundary of Longridge. The site is accessed off Preston Road by a private track which also serves Public Footpath FP0302108.

The building was originally granted planning permission as a holiday let and the restrictive occupancy condition was subsequently removed, allowing for use as a dwellinghouse.

Proposed Development for which consent is sought:

This is an application for a Certificate of Lawfulness to regularise the use of garage which was not within the approved red line boundary as well as building operations for the erection of a single storey, flat roof sun lounge extension and the insertion of rooflights.

Submitted Evidence and drawings:

- As Built plans drawing ref: 3495 01 (including satellite imagery and photographs)
- Pre-existing plans drawing ref: 2307 01
- Previously approved plans drawing ref: 2307 02

Assessment of proposal:

The lawfulness of the existing use and building operations 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 four years beginning with the date on which the operations were substantially completed.
- (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 four 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.

Within the submitted application form, the applicant is claiming that the works or activity began before 25 April 2024 and therefore the transitional measures whereby The Levelling Up and Regeneration Act 2023 (section 115) amended the Town and Country Planning Act 1990 (section 171B) to update the time limits within which local planning authorities can take planning enforcement action against breaches of planning control do not apply.

In this instance, it is the applicant's claim that the construction of the whole of the works excluding the sun lounge started late 2012 and completed in 2017. They state that the sun lounge was added prior to 2017.

Accordingly, the lawfulness of the existing building operations and use of the garage as residential 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) (1) and (2) 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, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.'

Building Operations

The building operations which form part of the certificate of lawfulness are the insertion of rooflights in lieu of conservation style rooflights and the addition of a single storey, flat roof sunroom to the front elevation of the dwelling. It should also be noted that although not in the description of development, the proposed drawing show the building operations to facilitate the change of use of the barn to a garage, which includes raising of the roof.

The applicant has provided satellite imagery which identifies the extensions/alterations and the rooflights. Photographs have also been provided on drawing ref: 3495 01 which shows a recent photograph of the sunroom and a photograph taken in June 2021 which shows family members in front of the sunroom.

It is considered that the submitted photographs can be given limited weight in isolation as these are not date stamped and therefore do not demonstrate that the building operations have been in situ for four years.

Notwithstanding this, the aerial satellite imagery does demonstrate that the structures have been in situ (sunroom and rooflights) from 2017 – 2025. As such, on the balance of probabilities, the Council are satisfied that the sun lounge and rooflights are lawful as per the time requirements of Section 171(B) (1) of the Town and Country Planning Act (1990) (the Act).

Use of garage

The applicant has also applied for the use of the agricultural building as part of an integral garage to the dwelling.

Nonetheless, the applicant has again provided satellite imagery which shows the garage as constructed between 2015 and 2025. A photograph has also been provided taken from inside the house which shows an integral door (the applicant claims is the garage door).

The Council are satisfied that the building operations are lawful through the passage of time for this part of the dwelling. Whilst the application has not been supported by sworn declarations to support the claims that the use of the building has been residential for a period of four years or more, on the balance of probability, it is considered that the garage has been used as a residential garage for a period of more than four years. This is based on the evidence provided which shows that the conversion was carried out more than four years ago and the aerial photographs show the gravel driveway as per the submitted photograph with a vehicle in 2017 parked in front of the garage.

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 constructed and continuously used for a period in excess of four 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 residential purposes for a period of at least four years and that the applicant's evidence must be sufficiently precise and unambiguous even in the absence of any contradictory evidence.

On the basis of the available evidence and the balance of probabilities, it is considered that the use as a residential garage and the building operations outlined in this report and identified on drawing ref: 3495 01 began and were substantially completed more than four years before the date of this application.

As such, the development is 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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