

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	MC	Date:	24/03/2026	Manager:	LH	Date:	27/3/26
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Application Ref:	3/2025/0855	 <p>Ribble Valley Borough Council www.ribblevalley.gov.uk</p>
Date Inspected:	N/A	
Officer:	MC	
DELEGATED ITEM FILE REPORT:		APPROVAL

Development Description:	Certificate of Lawfulness for existing use of holiday let as a residential dwelling (use class C3).
Site Address/Location:	50 Green Bank Park, Higher Road, Longridge, PR3 2YU

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:
<p>Town and Country Planning Act 1990, Section 171(B); Section 191</p> <p>National Planning Practice Guidance: Lawful Development Certificates</p>
Relevant Planning History (includes applications within the wider site):
<p>3/1995/0080 Outline application for development of 30 no. holiday chalets with reception/restaurant building. Approved with Conditions</p> <p>3/2000/0208 Renewal Of Outline Permission For Development Of 20 No. Holiday Chalets With Reception And Restaurant. Approved with Conditions</p> <p>3/2001/0485 Reserved Matters Application For 30 Holiday Chalets. Approved with Conditions</p> <p>3/2005/0503 Construction of three additional timber chalets. Approved with Conditions</p>

3/2005/0922

Substitute Balcony to cabins.
Approved with Conditions

3/2006/0138

Two additional stone chalets on tourism development.
Refused

3/2006/0400

Erection of one holiday chalet. Proposed construction of 40m length of random stone wall 1.5m high along Clitheroe Road.
Approved with Conditions

3/2006/0673

Alteration to approved site road and layout (part) and additional 4 chalets; associated engineering works.
Approved with Conditions

3/2006/1002

Five additional stone Chalets on southwest side of site, and amendments to siting of car park to avoid public footpath.
Approved with Conditions

3/2007/0176

Six additional stone chalets on southern side of site.
Withdrawn

3/2007/0576

Two additional stone chalets.
Approved with Conditions

3/2007/0839

Two additional stone chalets on southern side of lake.
Appeal dismissed

3/2008/0615

One additional stone chalet on eastern side of lake.
Appeal dismissed

3/2025/0953

Certificate of Lawfulness for existing use of holiday let as a residential dwelling (use class C3).
Refused

ASSESSMENT OF PROPOSED DEVELOPMENT:**Site Description and Surrounding Area:**

The application site is located on the outskirts of Longridge, approximately 0.8km from the settlement boundary, within the Forest of Bowland National Landscape. The character of the area is semi-rural with holiday accommodation and residential development to the north-east and south-west, open countryside to the south and Dilworth Upper Reservoir to the north-west. The wider site comprises 45 pitched roof lodges, constructed of brick with slate roofs which are accessed off Higher Road. The site declines in gradient down towards a lake and occupies the site of a former quarry. The majority of the site is also within a Minerals Safeguarding Area and some of the access roads are at risk of surface

water flooding. This application relates specifically to no. 50 Green Bank Park which is sited approximately 98 metres from the site entrance.

Proposed Development for which consent is sought:

This is an application for a Certificate of Lawfulness to establish use of a building approved as holiday lets as a single dwellinghouse for a continuous period. It is the applicant's claim that the property has been in continuous use as a private dwelling from 26th October 2009 through to the present day. As such, the applicant seeks confirmation of the above in the form of a Lawful Development Certificate.

Observations/Consideration of Matters Raised/Conclusion:

The lawfulness of the existing use 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.

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.

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 make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.'

Submitted Evidence:

- Site Location Plan at scale 1:1250
- Planning decision notice for planning ref: 3/00/0208/P and 3/2001/0485/P
- Section 106 agreement dated 1 November 2004
- Sworn Declaration
- Council Tax property information
- List of tenants from 7 April 2007 to Present
- Inventory/Inspection Report dated 24 October 2009
- Inventory/Inspection Report dated 27 July 2010
- Inventory and Schedule of Condition Declaration dated 5 August 2011
- Occupancy summary
- Tenancy Agreement dated 25 October 2009 to 25 January 2010
- Tenancy Agreement dated 29 July 2010 to 28 October 2010
- Tenancy Agreement dated 5 August 2011 to 4 November 2011
- Tenancy Agreement dated 2 May 2013 to 2 August 2013
- Tenancy Agreement dated 22 March 2023
- Accounts details/sales transactions for 50 Green Bank Park

Relevant Period for Immunity:

The applicant considers that the development was never lawfully implemented as the building has never been used as holiday let accommodation.

A Section 106 agreement attached to planning ref: 3/2001/0485/P restricted the use of the units to holiday lets only and not for the use as permanent residential accommodation, however No. 50 Green Bank Park was then subject to a subsequent planning permission (planning ref: 3/2006/0673). Condition 4 of this planning permission restricted the units of accommodation not to be occupied by any one person or group of persons for a continuous period of longer than 3 months in any one year and restricted the units not to be used as permanent accommodation. The Section 106 agreement secured for permission 3/2001/0485 does not apply to No. 50 Green Park.

The applicant has provided a completion certificate for the building which states that the building was substantially completed on 30th January 2009 during an inspection and the certificate is dated 6 February 2009. The supporting information states that the first tenants moved into the property on 26 October 2009 and an inventory/inspection report for the property was signed and dated on 24 October 2009. The supporting information also indicates that the building has been in the Council Tax Register (Band A) from 26 October 2009. Completion certificate can exclude minor works such as installation of electrics and plumbing, fixtures and fittings, boundary treatments and any mechanical works, which can explain the delay between them being issued and first occupancy.

The applicant has provided additional evidence which includes a tenancy agreements and accounts details from October 2009 when they say the property was first occupied. The tenancy agreement between the named occupants dated 25 October 2009 is a 3 month tenancy until 25 January 2009. This alone does not suggest that the property was occupied in breach of Condition 4 of planning permission ref: 3/2006/0673. However, other submitted evidence submitted claims that the first occupants resided in the property until 25 July 2010. The accounts information submitted to the Council on 23 March also confirms rental payments made during this time and the deposit refunded on 26 July to the same tenant.

Having regard to the above, the Council are satisfied that the property was first implemented as a residential use. Therefore, with regards to the enforcement time periods, a change of use to residential (engaging the 4-year rule) would not apply as there has not been a change of use of the

building as it was first occupied as residential C3. So irrespective of whether or not the development was lawfully implemented, in this case the applicant would need to show continuous use of the property as residential for ten years in order for it to be considered a lawful use.

Assessment of evidence for 10 year continuous use:

Two inventory/inspection reports from October 2009 and July 2010 which relate to 50 Green Bank Park have been submitted as evidence. The above inventory documents may suggest that the building had been let to a tenant, however this does not confirm a continuous occupancy for a period of ten years and is given limited weight.

The planning statement also provides a list of tenants who have lived at the property from 26 October 2009 to 3 May 2013. The table identifies four separate tenancies. However, this alone is not sufficient to demonstrate continuous occupancy of the property as a dwelling.

The declaration from a named person of 4 New Drop View states that they had been responsible for the build-out of all planning consents associated with the site comprising 45 units. Paragraph 3 of the sworn declaration states that the units have not, at any time been used or occupied as holiday lets and each unit has been used continuously as a dwelling for long-term residential occupation. The named person also states in paragraph 5 that none of the units (as approved under planning ref: 3/1995/0080) have ever been used for any alternative or non-residential use and any gaps in occupancy have been non-material and are representative of conventional breaks in tenancy, to allow for maintenance or preparatory works prior to a change in occupation. Whilst the sworn declaration can be given some weight, this alone without sufficient supporting evidence to back up the claims within the sworn declaration, such as tenancy agreements to confirm the dwelling has been continuously let to the persons outlined in the table of tenants in Appendix D of the planning statement, is given limited weight.

The agent for the application has now provided tenancy agreements, account details for the property which show rent being continuously paid and an updated list of tenants.

The list of tenants confirms that the current occupier has occupied the property since 3 May 2013. This matches the date of the tenancy agreement between the tenant and landlord which is also dated 3 May 2013. A second tenancy agreement has been submitted for this tenant dated 22 March 2023 for the same tenant who has occupied the property since 3 May 2013. Whilst the above tenancy agreements are short term tenancies for 3 month periods, the account details confirm that rent and has been continuously paid by the same occupant from the period of 3 May 2013 to 9 March 2026.

As such, the Council are satisfied that on the balance of probabilities, the property known as 50 Green Bank Park has been continuously used as a dwellinghouse for a period of 10 years prior to the date of this application and the sole C3 residential use of the building considered lawful by virtue of section (1) and section (3) of 171(B) of the Town and Country Planning Act 1990.

RECOMMENDATION:	That the certificate of lawfulness be approved for the following reason(s).
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On the basis of the evidence provided it is considered that building known as 50 Green Bank Park has been used and occupied as an independent residential dwelling for a period in excess of ten years solely as C3 residential use. As such the C3 use of the building is considered lawful by virtue of section (1) and section (3) of 171(B) of the Town and Country Planning Act 1990.
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