

Planning Department  
Ribble Valley Council  
Council Offices  
Church Walk  
Clitheroe  
BB7 2RA

Our Ref: CB/3671  
Date: 12 November 2025

Dear Sir/Madam,

**2 Barley Close, Whalley, Clitheroe**  
**Certificate of Lawfulness in relation to ancillary domestic outbuilding**

This application is submitted in relation to an ancillary outbuilding erected in the garden to the rear of 2 Barley Close. This application seeks a certificate to confirm that the building is lawful.

The application is for a single storey cabin type building erected by the applicants in late 2019 early 2020 to use in association with their house. The building is an I-shaped single storey timber building with a felt roof together with a decking area. The building is located in the north west corner of the curtilage of the house and is only accessible from the front of the house through the dwelling itself or a pedestrian gate at the end of the driveway.

The cabin was purchased and erected by the owner applicant in 2019 to provide ancillary space to the dwelling. The building has been used as a games room, guest accommodation when family and friends have come to visit and as a general hang out area for the applicant's teenage son and his friends.

The building to which the this application relates is 2.65 metres high and is within two metres of the site boundary. Therefore it is acknowledged that the building does not represent permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015. However it is considered that the building has become lawful as a result of the passage of time.

Under the terms of s.191(2) of the Town & Country Planning Act (TCPA) uses and operations are lawful at any time if no enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason).

The relevant time limits for taking enforcement action were previously set out in s.171(B) of the TCPA which stated:



- (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.

Section 115 of the Levelling Up and Regeneration Act 2023, which received Royal Assent on 26 October 2023, amends s.171(B) (2) as quoted above to extend the time period by which a LPA must commence enforcement action from 4 years to 10 years. However, section 115 required regulations to bring this into force.

On 2 April 2024 the government published The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024. These regulations brought into force the changes outlined in section 115 of the Levelling Up and Regeneration Act. Regulation 5 confirms that any development which was lawful prior to the introduction of the regulations i.e. 24 April 2024.

In this instance there is no change of use with the building ancillary to the dwelling at the site, therefore the four year rule is applicable and, on the basis of independent aerial photography it is evident that the building has been in situ for a period of four years prior to 24 April 2024. Appendix 1 to this letter includes Google Earth Images from 24 April 2020, 23 June 2022, 6 May 2023 and 9 September 2025. These photographs clearly show the building in situ for four years prior to 24 April 2024.

In addition to the aerial photographs from Google Earth an application was submitted in June 2021 for tree works referenced 3/2021/0599. This application was supported by a letter prepared by GM Tree Consultants dated 1 June 2021 which clearly show the outbuilding in the photograph on the first page. A copy of this letter is included at Appendix 2.

A further application was made in September 2001 referenced 3/2021/0929 for changes to the main dwelling. As part of the application a location plan was submitted prepared by Links Architecture dated 31/08/2021. This location plan identifies the outbuilding in the corner of the garden and is included in Appendix 3.

The application building was clearly in situ four years prior to the 24 April 2024. The Google Earth Images provide independent evidence that confirm the existence of the building on 24 April 2020. A certificate for the ancillary outbuilding should be issued.



Yours sincerely



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