

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



**Chris Betteridge MRTPI**  
Associate  
De Pol Associates Ltd  
E: [chris@depol.co.uk](mailto:chris@depol.co.uk)



## Appendix 1

Google Earth Image

Dated 24/04/2020



Google Earth Image

Dated 23/06/2022



Google Earth Image

Dated 06/05/2023



Google Earth Image

Dated 21/09/2025





## Appendix 2

31202110599



<b>F.A.O.</b>	<b>Date:</b>	01/06/2021
Ribble Valley Council Tree Officer	<b>Your Ref:</b>	
	<b>My Ref:</b>	1557
	<b>Please Ask For:</b>	Gary Marsden
	<b>Direct Dial:</b>	
	<b>Email:</b>	
	<b>Web:</b>	

Dear Dave / Alex,

**RE: TPO application to remove 1x Oak tree: 2 Barley Close, Whalley, Clitheroe.**

I am writing to you on behalf of my client, Jason Connor with a request to remove 1x oak tree (T269) located within the residential garden of 2 Barley Close, Whalley, Clitheroe.

The reason for removal is to allow essential grounds works to be undertaken to mitigate extensive drainage and flooding issues on site. The necessary new drainage that needs to be installed will require trenching through the root protection area of the tree causing damage to the rooting volume and long-term detriment to the tree.

There is some existing drainage located along the side of the house, at present this is inadequate for the needs and a larger drain and new manhole is needed further into the centre of the garden.

A drawing of the existing drainage system and proposed new layout is attached to this report.

The tree was at the time of assessment in good condition but had not yet come into leaf, the canopy is heavily suppressed with a dominant canopy leaning towards the house, this suppressed growth is due to the existing trees located to the north, T274 and T275.

A recent application was submitted and give consent to remove several trees to the land parcel to the north, this is to allow again extensive land drains to be installed and again with the impact on the tree roots, consent was given to remove several trees, this includes T274 and T275, the removal of these 2 trees will leave T269 exposed.



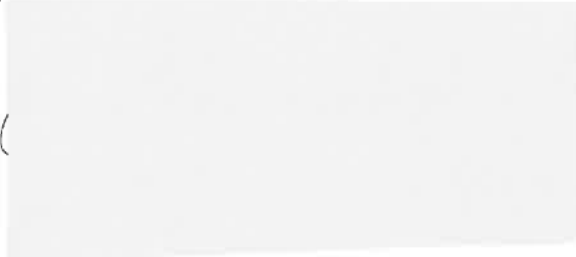
Registered User

To mitigate the removal of this tree replacement tree planting is suggested and can be located within the parcel of land owned by my client, 2x oak trees that are heavy standard in size are suggested as replacement trees. this can be confirmed, or other suggestions made by the tree officer as needed.

My client has plans in the future to extend the existing property to create a larger single-story kitchen, it would be possible to construct this with minimal impact on the tree using raised foundations and a piling system, this would not be required if the tree were removed.

It must be stressed that the primary reason for removing the tree is to mitigate the extensive flooding and risk to property that currently occurs.

I hope that this letter provides all the necessary information, but should you have any questions please don't hesitate to contact me.



**Gary Marsden FDS Arb M.Arbor.A**  
Professional Member - Arboricultural Association (AA)  
Professional Member - Consulting Arborist Society (CAS)



**Arboricultural**  
**ASSOCIATION**  
Professional Member

GM Tree Consultants  
16, Farfield Drive,  
Lower Darwen,  
Darwen,  
Lancashire,  
England,  
BB3 0RJ.



# TREE LOCATION PLAN

LEGEND:  


- Location -
- Ref Number -
- Species -

CLIENT DETAILS:

Jason Connor

SITE ADDRESS:

Land to the North of:  
 2 Barly Close,  
 Whalley,  
 Clitheroe,  
 BB7 9XY

PROJECT:

VTA Site Survey

JOB REFERENCE:

(ADD TEXT)

FIGURE REFERENCE:

1218/VTA/2018

DRAWN BY:

Gary Marsden

SCALE BAR:

1:200

PAPER SIZE:

A3

DATE OF DRAWING:

2nd November 2018

The original of this drawing was produced in colour, a monochrome copy should not be relied upon

For client use only unless otherwise authorised by author.

GM Tree Consultants does not guarantee the accuracy of the information

contained within this drawing. No liability for any loss whatsoever can be accepted as a result of the use of this drawing or any data or information taken from it or associated arboricultural report or tree survey schedule.

16, Fairfield Drive, Lower Darwen, Darwen, Lancashire, BB3 0RJ  
 Tel: 07761667384  
 gary@gmtreeconsultants.co.uk  
 www.gmtreeconsultants.co.uk



Existing inspection chambers



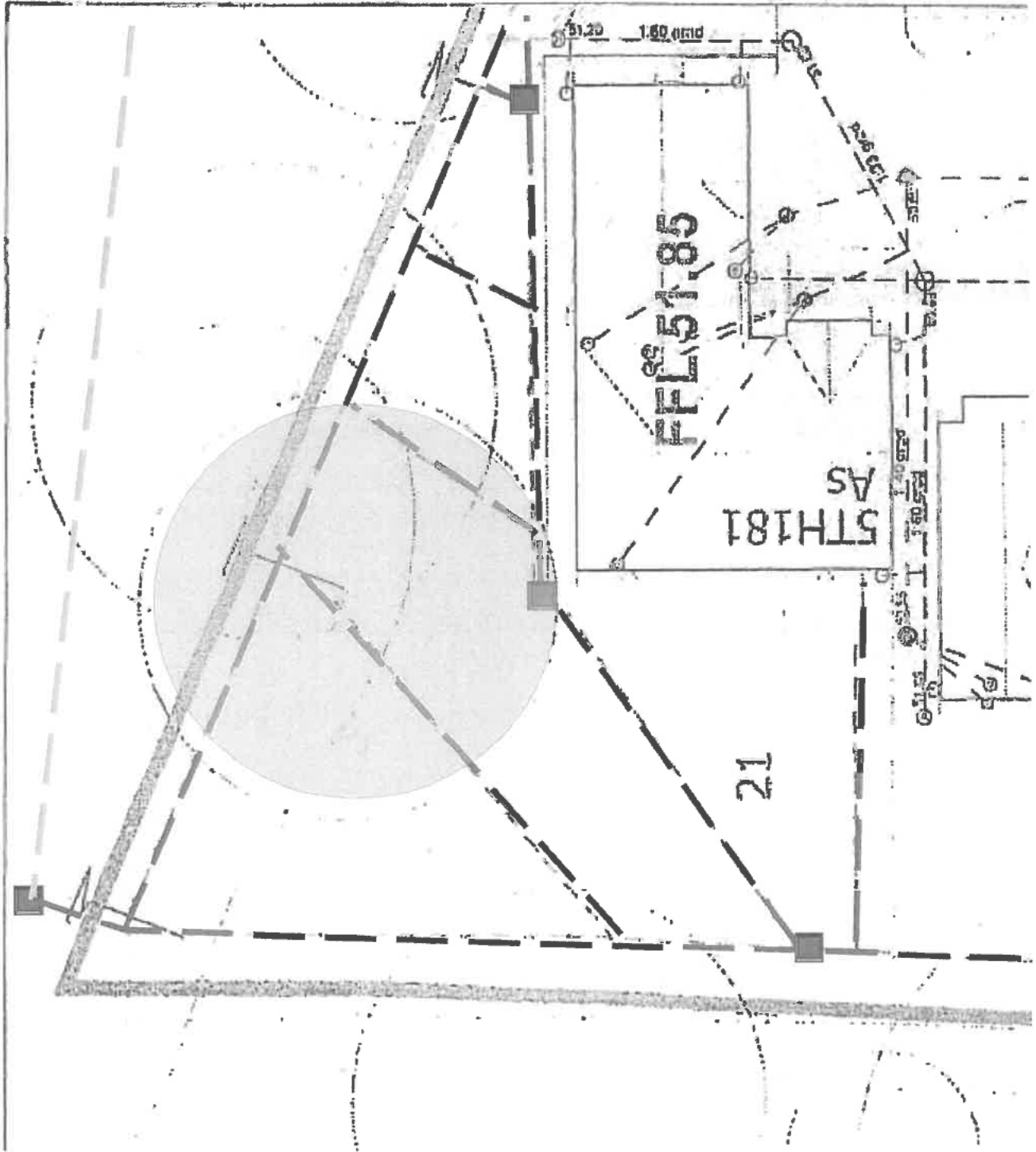
Existing land drainage as per provided site drawing - blue lines have been overlaid to add clarity to scanned image.



Existing tree location - approximate root protection area




New drain to be installed with consent from planning - not exact location.




Existing inspection chambers



Existing land drainage as per provided site drawing – blue lines have been overlaid to add clarity to scanned image.




Existing tree to be removed due to extensive ground excavations impacting on tree roots and stability.



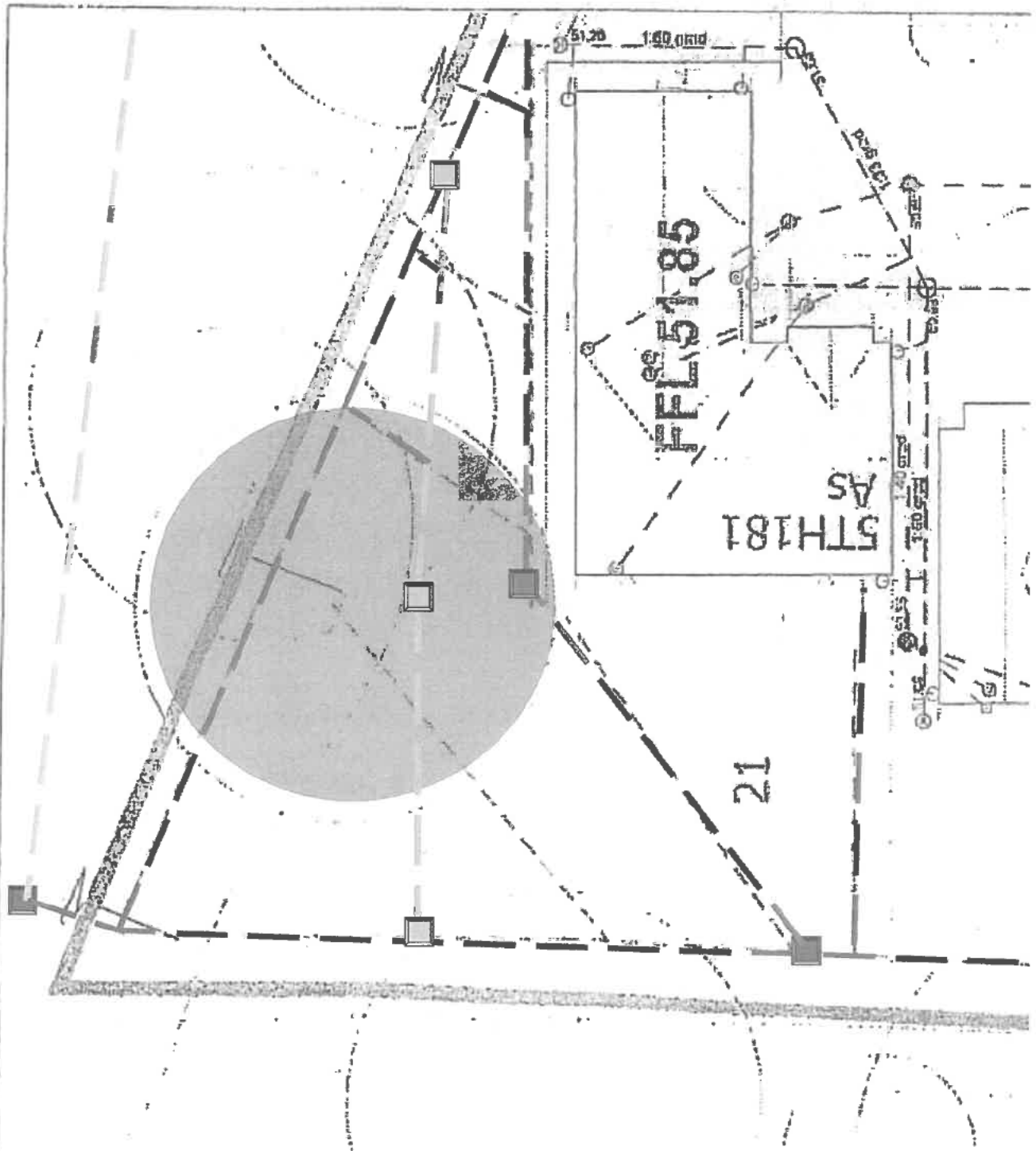
New drain to be installed with consent from planning – not exact location.



Existing land drain and inspection chamber that has failed and needs replacing with larger diameter drain.



New larger land drain and inspection chambers that are proposed to be installed to capture any water ingress onto garden from woodland above to the north





## Appendix 3



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Do not scale this drawing.

All heights, levels, sizes and dimensions to be checked on site before any work is put to hand.



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LINKS Architecture Ltd

35 Collinfield Road LA9 5JD

Project: 2 Barley Close, Whalley, Nr Clitheroe, JXY

Block and Location Plans

Scale @ A4:	Date:	Drawing Number:	Rev:
as shown	31.08.21	17119 / 16	-