


**Report to be read in conjunction with the Decision Notice.**

<b>Signed:</b>	<b>Officer:</b>	<b>EP</b>	<b>Date:</b>	<b>21/01/2026</b>	<b>Manager:</b>	<b>LH</b>	<b>Date:</b>	<b>22/1/26</b>
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<b>Application Ref:</b>	3/2025/0911			 <b>Ribble Valley Borough Council</b> <small>www.ribblevalley.gov.uk</small>					
<b>Date Inspected:</b>	N/A	<b>Site Notice:</b>	N/A						
<b>Officer:</b>	EP								
<b>DELEGATED ITEM FILE REPORT:</b>					<b>APPROVED</b>				

<b>Development Description:</b>	Certificate of Lawfulness for existing single storey domestic outbuilding ancillary to the main dwelling.
<b>Site Address/Location:</b>	2 Barley Close, Whalley. BB7 9XY.

<b>CONSULTATIONS:</b>	<b>Parish/Town Council</b>
N/A	

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
<b>LCC Highways:</b>	N/A

<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
N/A	

**RELEVANT POLICIES AND SITE PLANNING HISTORY:**

Town and Country Planning Act 1990 Section 191

Planning and Compensation Act 1991 Section 171B Time limits

National Planning Practice Guidance: Lawful development certificates

**Relevant Planning History:**

3/2018/0239:

Conversion of existing double garage into living space with front bay window and roof, rear bay with slide/fold doors. Insertion of new windows to upper and ground floor levels. Erection of rear balcony with covering roof, new 3 sided porch to the main entrance. Erection of new detached double garage with double hip roof. Single storey rear extension and decking area in rear garden (Approved)

3/2018/0799:

Non-material amendment from planning permission 03/2018/0239 for window alterations and alteration to balcony (Approved)

3/2021/0929:

Proposed ground floor extensions to the rear and side of the property, repositioning of existing French and bi-fold doors into the new extensions. (Approved)

**ASSESSMENT OF PROPOSED DEVELOPMENT:**

**Site Description and Surrounding Area:**

The application relates to a detached property in Whalley. The property consists of stone, concrete roof tiles and white UPVC doors and windows. The property is situated within a recently constructed housing development largely characterised by detached properties with a large area of open countryside situated immediately to the North.

**Proposed Development for which consent is sought:**

The application seeks to establish that the works carried out to the building are lawful having regard to Section 171(B) of the Planning and Compensation Act 1991. It is the applicant's claim that the building works had been completed in 2019, with the 'relevant period' being more than four years. As such, the applicant seeks confirmation of the above in the form of a Lawful Development Certificate.

The building works applied for are: the erection of a detached ancillary building.

**Principle of Development:**

The main issue is whether or not there is sufficient evidence to support that the operational development is lawful by virtue of it being in place for four years or more on or before the date of this application (27/11/2025) and beginning with the date on which the operations were substantially completed, which would make the building operations exempt from enforcement action under Planning and Compensation Act 1991 171B Time limits.

**Observations/Consideration of Matters Raised/Conclusion:**

Section 171B of the Town and Country Planning Act states that *'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'*.

Furthermore section 191 of the same act states that:

*If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.*

The information submitted with the application is listed below

- Statement outlining timelines.
- Appendix 1 - series of ariel images.
- Appendix 2 – historic tree works application
- Appendix 3 – site plans from a previous planning application.
- Elevational Plans.

The applicant has provided, within appendix 2, details of a tree works application from June 2021. The submitted information comprises a statement produced by GM Tree consultants submitted as part of the application which includes images of the rear curtilage of the application site which evidences the

existence of the application building at this time. Furthermore, the aerial imagery provided within appendix 1 shows the building subject of the application to be present from 2020 onwards.

Within appendix 3 details of a planning application from August 2021 (3/2021/0929) have been submitted. A series of planning drawings by Links Architecture have been provided with the location and block plan both showing the presence of the application building at the time the application was submitted. These plans are also visible within the councils file for this application. As such, the council has no reason to determine that the building was not present 4 years prior to the date of this application.

In conclusion, the applicant has successfully demonstrated, via the submitted supporting evidence as required by Section 191 of the Town and Country Planning Act 1990, that the works had been reasonably completed in excess of four years ago to align with the time limits within Section 171B of the same act.

<b>RECOMMENDATION:</b>	That consent for a Certificate of Lawfulness be approved.
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