


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	BT	Date:	11/2/26	Manager:	LH	Date:	13/2/26
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Application Ref:	3/2025/0925			 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	Site Notice:	N/A	
Officer:	BT			
DELEGATED ITEM FILE REPORT:				REFUSAL

Development Description:	Certificate of Lawfulness for existing use of land as a caravan and camping site with five hardstanding caravan pitches, one hardstanding changeover pitch, ten camping pitches and an elsan and waste disposal area.
Site Address/Location:	Rowan Bank, Skipton Road, Gisburn, BD23 3JT.

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:
3/2025/0615: Proposed extension of caravan site to increase the number of pitches to 16 (Invalid)
3/2022/0901: Proposed modern steel framed agricultural building for housing livestock (Approved)
3/2022/0782: Proposed Agricultural Building for housing livestock (Permission Required)
3/2008/0765: Lean-to building for the storage of feed, bedding and machinery (Permission Not Required)
3/2001/0398: Change of house type to include conservatory extension and 2 no. Velux conservation rooflights to new agricultural workers dwelling (Approved)
3/2001/028N: New farm machinery store (Approved)

3/1999/0173:

Reserved matters application for an agricultural workers dwelling, new access drive, septic tank and soakaway, landscaping and external works (Approved)

3/1997/0106:

Outline application for a farm workers dwelling (Approved)

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

The application relates to a land parcel sited to the North-west of the property known as Rowan Bank on the Eastern outskirts of Gisburn. Access to the application site is from the A59 Skipton Road with this access also serving the property of Rowan Bank. The land subject to this application roughly comprises a rectangular shaped land parcel which accommodates five hardstanding caravan pitches, one hardstanding changeover pitch, ten camping pitches and an elsan and waste disposal area. The Southern end of the application site also accommodates an amenities block (not subject to this application). The area surrounding the application site comprises a mixture of woodland, agricultural land and open countryside.

Proposed Development for which consent is sought:

This is an application for a Certificate of Lawfulness to regularise an unauthorised change of use of agricultural land to a caravan and camping site. It is the applicant's claim that use of the application site as a caravan and camping site comprised of five hardstanding caravan pitches, one hardstanding changeover pitch, ten camping pitches and an elsan and waste disposal area began more than ten years prior to the submission date of this application. As such, the applicant seeks confirmation of the above in the form of a Lawful Development Certificate.

Assessment of proposal:

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—

(a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed, and

(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—

(a) in the case of a breach of planning control in England, ten 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.

In this instance, the application form submitted in support of the application states that use of the application site as a caravan and camping site comprised of five hardstanding caravan pitches, one hardstanding changeover pitch, ten camping pitches and an elsan and waste disposal area began more than ten years prior to the submission date of this application, with this use being alleged to have started in July 2003. The submitted application form further states that the building works on site (in this instance the five hardstanding caravan pitches, one hardstanding changeover pitch and elsan and waste disposal area) were substantially completed more than four years prior to the date of this application.

Notwithstanding the transitional arrangements in place for operational development following the introduction of the Levelling up and Regeneration Act 2023, the five hardstanding caravan pitches, one hardstanding changeover pitch and elsan and waste disposal area are in this instance considered to be integral to the operation of the caravan and camping site and as such stand to be assessed against the ten year rule as part of the unauthorised change of use of land. As such, the lawfulness of the existing development 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) (3) 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...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.'

In addition, Section 191 (4) of the Town and Country Planning Act 1990 states:

'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.'

In this instance, aerial imagery from 2008 through to the present day shows the presence of what appears to be caravans and motorhomes within the confines of the application site. In addition, email correspondence has been provided in support of the application from the Camping and Caravan club which confirms that the site was first certificated in July 2003 and that certified sites can have up to 5 caravans and motorhomes and up to 10 tents.

Whilst this adds some weight towards the application site as having been used as a caravan and camping site, no evidence in the form of historic booking information has been provided to demonstrate that the application site had been continuously used as a caravan and camping site for a period of at least ten years prior to the submission date of this application.

Furthermore, aerial imagery shows that the five hardstanding caravan pitches and hardstanding changeover pitch were added to the site in the period between June 2023 and 2024, with further aerial imagery suggesting that the elsan and waste disposal area were added to the site in the period between June and November of 2024. Moreover, no additional evidence in the form of construction invoices or dated photographs has been provided to demonstrate that this operational development had been substantially constructed and continuously utilised in relation to the use of the site for a period of at least ten years prior to the submission date of this application.

Observations/Consideration of Matters Raised/Conclusion:

In this instance, it is not considered that sufficient evidence has been provided to demonstrate that the application site and its associated operational development had been continuously used as a caravan and camping site for a period of at least ten years prior to the submission date of this application. As such, there is no good reason in this instance to accept that use of the land in question should be considered lawful by virtue of Section 171 (B) (3) of the Town and Country Planning Act (1990). As such, for the above reasons and having regard to all material considerations and matters raised that the certificate of lawfulness be refused.

RECOMMENDATION: That the certificate of lawfulness be refused for the following reason:

- 01:** Insufficient evidence has been provided to demonstrate that the application site and its associated operational development had been continuously used as a caravan and camping site for a period of at least ten years prior to the submission date of this application. As such, there is no good reason in this instance to accept that use of the land in question should be considered lawful by virtue of Section 171 (B) (3) of the Town and Country Planning Act (1990).