


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	MC	Date:	28/01/2026	Manager:	LH	Date:	
----------------	-----------------	----	--------------	------------	-----------------	----	--------------	--

Application Ref:	3/2025/0953	 Ribble Valley Borough Council <small>www.ribblevalley.gov.uk</small>
Date Inspected:	N/A	
Officer:	MC	
DELEGATED ITEM FILE REPORT:		REFUSAL

Development Description:	Certificate of Lawfulness for existing use of holiday let as a residential dwelling (use class C3).
Site Address/Location:	70 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Withdrawn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

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. 70 Green Bank Park which is sited approximately 16 metres to the north-west of the lake.

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 7th April 2007 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.

The applicant considers that the development was never lawfully implemented as the buildings have never been used as holiday let accommodation. However, it is not considered that the applicant has provided sufficient evidence to support this claim. The planning statement states that all of the properties were first occupied between 2007 and 2012 but have not provided a date as to when the building (specifically 70 Green Bank Park) was substantially complete. The list of tenants in Appendix D states that the first tenant occupied the building from 7 April 2007 to 13 January 2008. However, the inventory submitted in Appendix D dates from February 2008. As such, there are uncertainties as to whether the building was first used as a use other than a dwelling after it was substantially completed and therefore the applicant has failed to demonstrate that the original planning permission was not lawfully implemented.

Having reviewed the history for the site, the property is also subject to a Section 106 agreement which was attached to planning ref: 3/2001/0485/P (reserved matters) and states that the buildings cannot be occupied as a permanent residential dwelling or be occupied other than as holiday accommodation. Given that the applicant has failed to demonstrate that the development was not lawfully implemented, the Section 106 agreement is considered to remain valid. A certificate of lawfulness cannot be granted for the use of the property as residential unless the Section 106 agreement is modified or discharged through a Deed of Variation.

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.

Notwithstanding the fact that the property is subject to a legal agreement restricting the use of the property to holiday let accommodation, the applicant has submitted evidence in support of the application. In the interests of transparency, the LPA will go on to undertake an assessment of the submitted evidence.

With regards to the enforcement time periods, the applicant claims in paragraph 3.9 of the submitted planning statement that the original application was C1 use class which covers hotels, boarding and guest houses where no significant element of care is provided (excludes hostels). Having reviewed the planning history for application ref: 3/1995/0080, no specific reference was made to Use Class C1. However, the applicant's case is on the premise that planning permission ref: 3/1995/0080 was not lawfully implemented and therefore a change of use to residential (engaging the 4-year rule) would not apply. As such, if the legal agreement was accepted as not being effective, the time period for immunity from any enforcement action is considered to be ten years.

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 5 August 2009
- Inventory/Inspection Report dated 25 February 2008

Assessment of evidence:

The applicant has submitted a number of documents in support of the certificate of lawfulness. These include, two inventory/inspection reports from February 2008 and August 2009 which relate to 70 Green Bank Park. 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 7 April 2007 to present. The table identifies five separate tenancies and suggests that the current tenant has lived in the property since 1 February 2013. However, this alone is not sufficient to demonstrate continuous occupancy of the property as a dwelling. The Council would expect application to be supported with tenancy agreements and/or bank statements which show rent being paid to the landlord. As such, this information does not confirm continuous use as a dwellinghouse for a period of ten years. The Council have given the applicant the opportunity to provide more evidence in

support of this claim prior to the determination of the application. However, no additional evidence has been provided.

The planning statement states that Council Tax has been paid on the property for over four years and a copy of the property information has been included within Appendix D of the planning statement. This identifies that the property has been in Council Tax Band A since 13 August 2009.

The Council Tax department have confirmed that the current occupiers have been living at the property since 14 March 2011. However, the onus is on the applicant to provide evidence to support this claim. The Council raise concerns with regards to the accuracy of the list of tenants as there is conflict between the Council's records and the evidence submitted as to when the current owners moved into the property. Notwithstanding the ambiguity as to whether the current owners moved into the property in 2011 or 2013, which would be outside of the most recent ten year period, the applicant has not provided sufficient evidence to demonstrate that Council tax has been continuously paid on the property, without a break, and even if it were, the reliance on Council Tax payments alone is not considered to demonstrate continuous occupancy.

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.

As such, the application lacks sufficient evidence to demonstrate that on the balance of probability, the property has been used continuously as a residential dwelling for a period of ten years prior to the date of this application.

RECOMMENDATION:	That the certificate of lawfulness be refused for the following reason:
01:	The property known as '70 Green Bank Park' is subject to a Section 106 Agreement which restricts the use of the property to holiday let accommodation only. This application fails to demonstrate that the Section 106 Agreement is not effective for this plot. As such, the use of the property as a (unrestricted) C3 residential dwellinghouse will breach the legal agreement and is not considered lawful.
02:	Even in the absence of a legal agreement, the applicant has failed to demonstrate that, on the balance of probability, the property has been occupied continuously for a minimum period of ten years as a (unrestricted) C3 residential dwellinghouse. As such, the development is not considered lawful by virtue of the provisions of S171B(2) of the Town and Country Planning Act.