


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	BT	Date:	16/2/26	Manager:	LH	Date:	17/2/26
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Application Ref:	3/2025/0964	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	3/5/23	
Officer:	BT	
DELEGATED ITEM FILE REPORT:		REFUSAL

Development Description:	Certificate of Lawfulness for existing development to establish lawful commencement of planning permission 3/2023/0263 for the construction of 15 eco lodges and infrastructure to provide additional accommodation for Eaves Hall.
Site Address/Location:	Eaves Hall, Eaves Hall Lane, West Bradford, BB7 3JG.

CONSULTATIONS:	Parish/Town Council
N/A	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
N/A	

CONSULTATIONS:	Additional Representations.
None.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:
Town and Country Planning Act 1990, Section 191
National Planning Practice Guidance: Lawful Development Certificates
Relevant Planning History:
3/2023/0263: Construction of 15 eco lodges and infrastructure to provide additional accommodation for Eaves Hall (pursuant to variation of conditions 2 (Plans), 3 (Materials), 4 (Landscaping), 5 (Refuse/Cycle Store), 7 (External Lighting), 12 (Landscaping Scheme), 14 (Drainage Scheme), 15 (Surface Water Pollution), 16 (Surface Water Ponds), 19 (Construction Method Statement) and 22 (Bird/Bat Boxes) of planning permission 3/2020/0544 to reflect updated layout and change of lodge type and additional technical details submitted) (Approved)
3/2022/0396: Variation of Condition 2 (Plans) of planning application 3/2020/0544, to reflect the updated layout and change of lodge type. Conditions 3, 4, 5, 12, 14, 15, 16, 19, 22 to be varied as additional information included within application to allow condition to be discharged. Resubmission of 3/2021/1020. (Refused)

3/2021/1020:

Variation of Condition 2 (Plans) of planning application 3/2020/0544, to reflect the updated layout and change of lodge type. Conditions 4, 5, 12, 14, 15, 16, 19, 22 to be omitted as additional information included within application to allow condition to be discharged. Sample provided to discharge condition 3. (Refused, dismissed on appeal)

3/2020/0544:

Construction of 15 eco lodges and infrastructure to provide additional accommodation for Eaves Hall (Approved)

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

The application relates to a vacant land parcel which lies approximately 150 metres to the North-west of Eaves Hall within the Forest Of Bowland National Landscape. The land parcel comprises a rectangular shaped field with the topography of the land parcel descending from North to South. The application site is bound by trees on its South-western and North-eastern flanks with additional trees and a lodge lining the North-western perimeter of the site. Access to the application site is from the South-east from Eaves Hall Lane via an existing vehicle access track which provides access to the grounds at the rear of Eaves Hall. The application site occupies an elevated position above Eaves Hall and the residential properties to the South-east by virtue of the descending North to South topography of Eaves Hall Lane. The surrounding area 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 establish whether a technical start has been made to approved planning application 3/2023/0263 which sought consent for variations to planning application 3/2020/0544 which granted consent for the construction of fifteen eco lodges and infrastructure to provide additional accommodation for Eaves Hall.

As such, the applicant seeks confirmation in the form of a Lawful Development Certificate to confirm that commencement of the works approved under planning application 3/2023/0263 has been undertaken within the required three year start date period.

Assessment of proposal:

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, the application form states that on 27th June 2023 highway works have been undertaken within the application site in order to allow for vehicles to access the site and remove the unauthorised camping lodges which were installed after the original permission (3/2020/0544). It is stated that the highway improvements and removal of lodges was undertaken prior to 25th November 2023 (the three year time period pertaining to original application 3/2020/0544) thus satisfying condition 1 of planning permission 3/2023/0263.

Aerial imagery of the application site and a photograph from within the application site were provided as part of the original application submission however these fail to clearly identify the specific location(s) of the highway improvements that are alleged to have been undertaken within the application site therefore further information was sought from the applicant.

An annotated aerial image has since been provided which denotes a section of the site's existing looped access road (which appears to have been constructed between July 2021 and June 2022) as having been upgraded in order to allow for the removal of unauthorised camping lodges from the application site. Notwithstanding this, comparative analysis between case officer site visit photos from May 2023 and the photograph provided of the site's access track (not dated) does not appear to show any discernible change to the materiality of the section of access track in question. In addition, even if operational development had occurred to the section of access track in question, these works do not relate to the approved site layout consented under planning application 3/2023/0263.

The act of removing the unauthorised camping lodges from the application site (regardless of when this took place) does not fall within the scope of any works approved under application 3/2023/0263.

The application further states that a significant start was made to install an access road and bases for 7 of the lodges following the grant of approval 3/2020/0544. Indeed the application form for 3/2023/0263 states that the works commenced on 13th December 2021. The application recognises that pre-commencement conditions were not discharged at this point.

Whilst the works could have been regularised by the granting of planning application 3/2023/0263, as stated above, these works do not relate to the approved site layout consented under planning application 3/2023/0263. Indeed application 3/2023/0263 imposed a condition requiring the development to begin by 25th November 2023, so at the point of determining that s73 application it was not considered that the development had begun. No additional evidence has been provided to satisfy the Local Planning Authority that operational development pertaining to planning application 3/2023/0263 commenced before the permission was deemed to have lapsed.

Observations/Consideration of Matters Raised/Conclusion:

The works alleged to have been undertaken within the application site within the requisite time period (three years following the approval of original planning permission 3/2020/0544) do not form the basis of operational development approved under the section 73 planning application 3/2023/0263. Consequently, it is not considered that sufficient evidence has been provided to demonstrate that a lawful start has been made with regards to the development approved under planning application 3/2023/0263.

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: The works alleged to have been undertaken within the application site within the requisite time period (three years following the approval of original planning permission 3/2020/0544) do not form the basis of operational development approved under the section 73 planning application 3/2023/0263. Consequently, it is not considered that sufficient evidence has been provided to demonstrate that a lawful start has been made with regards to the development approved under planning application 3/2023/0263.