

Report to be read in conjunction with the Decision Notice.								
Signed:	Officer:	KH	Date:	23/04/26	Manager:	LH	Date:	1/5/26

Application Ref:	3/2026/0036	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	n/a	
Officer:	KH	
DELEGATED ITEM FILE REPORT:		REFUSAL

Development Description:	Certificate of Lawfulness for existing caravan storage and fixed storage shed.
Site Address/Location:	Abbott Delph, Abbott Brow, Mellor BB2 7HU

CONSULTATIONS:	Parish/Town Council
	No response.
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:

3/2015/0689:

Proposed new two storey dwelling with associated residential curtilage and improved access from the highway - Refused.

3/2022/0142:

Conversion of an existing former smithy into a one bed dwelling – Refused and Appeal Dismissed.

3/2023/0517:

Use of caravan for residential purposes – Refused and Appeal Dismissed.

A personal permission for a caravan on the site for residential use approved in 1982 with the named occupier 's death in 1989 no further residential use of the site was permitted.

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The site is located on the southern side of Abbott Brow with the road being typically rural in its characteristics with no dedicated footway provision being provided for its duration. The area is typified by open agricultural land interspaced with sporadic rural roadside housing.

The site has an existing access from Abbott Brow. The Quarry closed in 1982 with Lancashire County Council using the site for landfill at that time. The use of the site as a quarry is not overly visible with evidence of the use having blended into the landscape with remnants of buildings associated with this former use. The existing caravan on the site is positioned in a prominent, elevated part of the site with landscaping screening views from the roadside. There is a public right of way to the western and southern boundary, from which gaps in the hedge planting allow for views into the site and result in the caravan being visible.

The site lies within the defined open countryside being located outside of any defined settlement boundaries with the eastern extents of the defined settlement boundary for Mellor being approximately 760m to the south-east of the site.

Proposed Development for which consent is sought:

This is an application for a Certificate of Lawfulness to establish whether the use of the land for caravan storage and fixed storage shed would be a lawful use of the land.

As such, the applicant seeks confirmation in the form of a Lawful Development Certificate to confirm that the existing use began more than 10 years before the date of this application.

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.’

History:

In a previous submission in 2023 (3/2023/0517) the applicant claimed that the site had an existing use for residential purposes and sought a personal permission to continue that use.

The Planning, Design and Access Statement which accompanied the 2023 application stated that a residential use of the site had been established by virtue of the previous personal permission.

As the case officer stated in the Officer Report “This was not the case for a number of reasons but first and foremost the previous caravan had been removed and the personal permission ceased in 1989 when the named occupier passed away. Moreover, the statement stated the caravan had remain continuously on the site. However, this was not referenced during the 2022 application 3/2022/0142 and the subsequent appeal. Indeed, the presence of an existing residential unit was not referenced in any of the application forms, statement or supporting evidence from February 2022 until January 2023.

Indeed, on the application form for the above the existing use was described as “The site is currently in varying states of Disuse. The proposals are to repair and renovate the site. Question: Is the site currently vacant? Answer. Yes. Moreover, the form continues with: If Yes, please describe the last use of the site “Most recently used for Domestic storage and some habitation utilising the static caravan.

It would appear, therefore, that the site has been vacant for some time after the personal residential permission expired and that any use of the land for storage was more “recent” to the submission of the application form dated 17th January, 2022 and also included the use of the caravan as living accommodation for intermittent periods for the then owner and his relatives.

Based on the information submitted this caravan was only placed on the site more recently with supporting information stating that the previous caravan had been replaced with a newer model and therefore contradicting the claim of a continuous use.

It has also been claimed that the site was used sporadically by the applicant without any permission and that the site had been used for the purposes of domestic storage for approximately 20 years, none of which has been mentioned in this submission.

As part of the Appeal Decision on 3/2023/0517 (APP/T2350/W/24/3336809) the Inspector considered the personal permission (3/82/0028/P) granted by the LPA in 1982 to allow a named occupant to continue to reside in a caravan on the site until he passed away in 1989. The Inspector stated “that whilst the permission did not specifically require the caravan to be removed, however, under the terms of the permission, both the siting of the caravan and its use as a permanent residence are for the sole benefit of the named occupier. Therefore, it was not solely the occupation of the caravan that was for the occupants benefit but also its siting and due to his passing the terms of the consent can no longer be fulfilled.”

Therefore, although the 1982 consent did not require the caravan to be removed, the fact is, the caravan currently on the site is not the same caravan that was granted in 1982 and therefore the current caravan on the site does not represent some form of continuation of the consent, which, in the Inspector’s view, had now fallen away.

The evidence submitted as part of this application for a different lawful use includes a Planning Statement, Google Earth images from 3 different periods and three statutory declarations.

The Planning Statement includes reference to the former use as a quarry and the personal permission issued in 1982 for residential use. The occupier passed away in 1989. The caravan and shed remained on the site and were used for storage “barring a very brief occupation”.

The Google Earth images are purported to be from 2000, 2020 and 2023 and claim to show the original caravan and a replacement on the same footprint. These images are not dated or verified and as such have no material weight. In any respect the timeframe of 20 years between two of them does not provide any further clarification in terms of presence on the site between 2000 and 2020.

The three statutory declarations from different parties include a dog walker with a mobility scooter who states the caravan could be clearly seen from the road from 2002 and 2012- however, this is unlikely to be the case as the caravan that is currently on the site is not readily visible from the roadside. They also claim to have witnessed a replacement unit being installed in 2023.

Another declaration from a local livestock handler who confirms a caravan has been on the site from the 1990's apart from a few days in 2023 when a replacement caravan was placed on the site.

The third declaration is from the previous owner of the site who's relative erected a shed and parked and occupied a caravan on the site in 1982. This caravan was also occupied by another family member for a couple of weeks in 1995. Again, it states that apart from a few days in 2023 when the caravan was replaced on the site, this has been a continuous use. It goes on to add that a shed has also been used continuously for dry storage and was recently repaired and made secure.

None of the three declarations provide conclusive evidence that a caravan has remained on the site continuously since 1982 or indeed in the last ten years. None of these declarations makes reference to the presence of a shed.

Therefore, from the evidence presented the timeline is as follows:

- 1982 caravan and shed on site with permission for a personal use for the caravan only;
- 1989 occupier passes away caravan remains on site;
- 1995 (no specific dates given) caravan occupied by an unauthorised user for residential purposes;
- Google Earth image 2000;
- 2015 application submitted and subsequently refused for a residential dwelling on the site;
- Google Earth image 2020;
- 2022 application submitted to convert the former smithy to a dwelling. Application refused and dismissed on appeal;
- Around 2023 (no specific dates given) caravan on site replaced and re-sited(?);
- Google Earth image 2023;
- 2023 (June) application submitted to use the caravan for residential use. Application subsequently refused and dismissed on appeal.

It is not disputed that a caravan was on the site between 1982 and 1989 and was occupied for residential use under a personal permission.

However, it is also clear that the 1982 caravan was removed from the site around 2020's and that the caravan currently on the site was placed there around 2022/2023 before the submission of the 2023 application in June.

No information has been provided regarding the shed which from its position would appear to be on the site of a shipping container. Again, no evidence to suggest that this same structure has been in the same position for ten or more continuous years has been provided. The use of this shed in conjunction with the caravan was not included in the personal permission issued in 1982. During the Appeal site visit on the 16th May, 2024 it was noted that this structure appeared to have been altered and extended without the benefit of planning permission.

Observations/Consideration of Matters Raised/Conclusion:

Based on the above assessed it is not considered that sufficient evidence has been provided to demonstrate that a caravan has been present on the site continuously for over ten years and no evidence relating to the fixed store has been submitted. Furthermore, the Council has conflicting evidence to that presented by the applicant.

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:
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01:	The applicant has failed to demonstrate that, on the balance of probability, the land has been used continuously for a minimum period of ten years as a storage use for caravan storage and fixed storage shed. As such, the development is not considered lawful by virtue of the provisions of S171B of the Town and Country Planning Act.
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