



## Appeal Decision

Site visit made on 12 January 2026

by **John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

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**Appeal Ref: APP/T2350/X/25/3374493**

**Pinfold Farm, Preston Road, Ribchester PR3 3YD**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mr Alan Davies against the decision of Ribble Valley Borough Council.
  - The application ref 3/2025/0551, dated 21 July 2025, was refused by notice dated 9 September 2025.
  - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
  - The use for which an LDC is sought is use as part of the curtilage of Pinfold Farm.
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### Decision

1. The appeal is allowed and attached to this decision is an LDC describing the existing use which is found to be lawful.

### Preliminary Matters

2. The address above is that given on the application form. The Council's decision notice refers to Pinfold Farm Bungalow. The Appellant's home is Pinfold Farm Bungalow and his son's home is Pinfold Farm. Though land that is the subject of the appeal is to the rear of Pinfold Farm Bungalow, its location and extent are not in dispute. There is thus good reason to use the address given on the application form.

3. 'Curtilage' is not a use of land, rather a legal concept that is most referred to when considering whether development is permitted under the provisions of The Town and Country (General Permitted Development)(England) Order 2015. The Council considered the application as if it were for use of the land as 'domestic garden'. This description of the claimed use is accurate and the appeal will be determined on the basis that an LDC is sought for 'use as part of the domestic garden of Pinfold Farm'.

### Reasons

4. For an LDC to be granted the claimed use of the land must be immune from enforcement action. To be immune from enforcement action the land must have been in continuous and uninterrupted use as part of the domestic garden of Pinfold Farm for the ten year period prior to the date of the application. The onus of proof is on the Appellant who must provide sufficient precise and unambiguous evidence to justify a conclusion that the land has been in use as part of the domestic garden of Pinfold Farm for the ten year period prior to the date of the application.

5. Access off Preston Road leads to Pinfold Farm, Pinfold Farm Bungalow and to another bungalow that is the home of an elderly friend of the Appellant's family. The access extends past the appeal land, which is a flat grassed area, to a former

agricultural building that is currently being converted to a dwelling. The appeal land is not, and has not been, separated by a fence from the access or the immediate surroundings of Pinfold Farm Bungalow.

6. The appeal land is bounded to the south-east and north-east by fences and vegetation but is open on its other two sides. The Appellant claims that the land has been used by three generations of the Davies family as play space and as garden land, as an extension of the small garden areas associated with Pinfold Farm and Pinfold Farm Bungalow. This claim is corroborated by members of the local community who "...confirm that the area...has been used since 2011 by the Davies family as a garden".

7. Given the relationship of the appeal land to Pinfold Farm and Pinfold Farm Bungalow, the three generation family occupation of the two dwellings, and the land's open frontages to the access and to the Bungalow, there is no reason to doubt that the land has been used since 2011 by the Davies family as a garden. The Appellant has provided sufficient precise and unambiguous evidence to justify a conclusion that the land has been in use as part of the domestic garden of Pinfold Farm for the ten year period prior to the date of the application.

8. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for use as part of the domestic garden of Pinfold Farm at Pinfold Farm, Preston Road, Ribchester was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

*John Braithwaite*

Inspector

## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 21 July 2025 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The land has been in use as domestic garden for in excess of ten years and is thus immune from enforcement action.

Signed

*John Braithwaite*

Inspector

Date: 21 January 2026

Reference: APP/T2350/X/25/3374493

### ***First Schedule***

Use as part of the domestic garden of Pinfold Farm

### ***Second Schedule***

Land at Pinfold Farm, Preston Road, Ribchester PR3 3YD

### IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



## Plan

This is the plan referred to in the Lawful Development Certificate dated: 21 January 2026

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

Land at Pinfold Farm Bungalow, Ribchester PR3 3YD

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Scale: Not to Scale

