


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	AR	Date:	23/04/2026	Manager:	LH	Date:	24/4/26
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Application Ref:	3/2026/0047			 Ribble Valley Borough Council www.ribblevalley.gov.uk				
Date Inspected:	N/A	Site Notice:	N/A					
Officer:	AR							
DELEGATED ITEM FILE REPORT:					REFUSAL			

Development Description:	Certificate of Lawfulness for proposed new detached garage with gym and office to the rear of the existing bungalow.		
Site Address/Location:	Pinfold Farm Preston Road Ribchester PR3 3YD		

CONSULTATIONS:	Parish/Town Council
N/A	

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

CONSULTATIONS:	Additional Representations.
N/A	

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Relevant Planning History:

3/2025/0551: Lawful Development Certificate for existing development to confirm land has been used as part of the domestic curtilage of Pinfold Farm since 2011 (Refused, Appeal Lodged: APP/T2350/X/25/3374493 Allowed).

3/2025/0294: Lawful Development Certificate for a proposed triple garage with gym and office to the rear (Refused).

3/2012/0546: Application for a Lawful Development Certificate for the proposed conversion of the garage into an annex accommodation (Approved)

3/2011/0153: Application for the removal of condition no.2 of planning consent 3/2005/0615P to allow for the holiday let to be used as a permanent separate residential dwelling (Approved)

3/2007/0036: Amendment to consent 3/2006/0110 for new garage, stable and potting shed. Resubmission (Approved).

3/2006/0110: Proposed new garage, stable and potting shed (superseded by 3/2007/0036)

3/2005/0615: Proposed new building to provide holiday accommodation (Approved)

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application site relates to two Dwellinghouses and an annex; Pinfold Farm, Pinfold Farm Bungalow and a single-storey annex to Pinfold Farm Bungalow. The application site is located off, and to the north-east of Preston Road, Ribchester.

The area is largely agricultural in character, being of a relatively open aspect save for the sporadic cluster of built form, the majority of which is residential in nature.

Proposed Development for which consent is sought:

Consent is sought for a Certificate of Lawfulness for the construction of a proposed new detached garage with gym and office to the rear of the existing bungalow; with a width of 9.1m, a length of 16.5m and an eaves and ridge height of 2.5m and 4m respectively. With respect to materiality, the proposal would be finished using timber doors, slate tiles and natural stone.

Principle of Development:

In order for the proposal to be permitted development, the works need to satisfy a number of criteria as comprised in Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for any building or enclosure within the curtilage of a house for a purpose incidental to the enjoyment of the dwellinghouse.

E.1 Development is not permitted by Class E if –

- a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, or Q of Part 3 of this Schedule (changes of use);

Permission for use as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3.

- b) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposed development would not result in the total area of ground covered within the curtilage exceeding more than 50%.

- c) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principle elevation of the original dwellinghouse;

The outbuilding will not be situated on land in front of the principal elevation of the dwellinghouse.

- d) The building would have more than a single storey;

The proposed outbuilding will be single storey.

- e) The height of the building, enclosure or container would exceed-
- i) 4 metres in the case of a building with a dual-pitched roof,
 - ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

iii) 3 metres in any other case;

The proposed building would be situated over 2m away from the curtilage boundary and will feature a dual-pitched roof measuring 4m in total height.

f) The height of the eaves of a building would exceed 2.5 metres;

The eaves of the proposed outbuilding would measure 2.5m in height.

g) The building, enclosure, pool or container would be situated within the curtilage of a listed building;

The outbuilding will not be situated within the curtilage of a listed building.

h) It would include the construction or provision of a verandah, balcony or raised platform;

i) It relates to a dwelling or a microwave antenna; or

j) The capacity of the container would exceed 3,500 litres.

The proposed development would not consist of any of the above.

Whether or not the building is incidental to the enjoyment of a dwellinghouse:

Whilst the proposed development fulfils all conditions stipulated at Class E.1, for it to be permitted development then it needs meet one of the following provisions:

The provision within the curtilage of the dwellinghouse of—

- (a) Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) A container used for domestic heating purposes for the storage of oil or liquid petroleum gas

Firstly it is necessary to consider the matter of what is proposed as the dwellinghouse and curtilage.

The existing and proposed site plans show two dwelling houses and an annexe within the application site: Pinfold Farm, Pinfold Farm Bungalow and a single-storey annex to Pinfold Farm Bungalow. The applicant submitted a different site plan when a request for curtilage dimensions was made. This plan did not include Pinfold Farm Bungalow or the single-storey annex within the application site. The applicant was asked to confirm which plan they wanted to use, with the officer suggesting that the plan showing Pinfold Farm only was more appropriate to use, however the applicant confirmed the plan including both dwellings and the annex should be used.

Planning Practice Guidance makes it clear that the onus is on the applicant to submit sufficient evidence to support the application. It further states that, in the case of a proposed development such as this, the applicant needs to describe the proposal with sufficient clarity and precision to enable the local planning authority to understand exactly what is proposed and what the development entails.

As there are two dwellings included within the red edge of the location plan, it is unclear from the plans submitted which dwelling the proposed building would serve.

Which dwellinghouse the building is proposed to serve is important because a building is only permitted development if it is considered to fall within the curtilage of the dwellinghouse it would be associated with.

The application form states that the site address is Pinfold Farm, which is described under appeal reference APP/T2350/X/25/3374493, to be the home of the applicant's son. The applicant, Mr Alan Davies, occupies Pinfold Farm Bungalow. Both of these properties are within the red edge

The above appeal decision relates to the land on which the building is proposed, and the Inspector concluded that the land has been in lawful use as part of the domestic garden of Pinfold Farm. Therefore, even though the LPA considers that the certificate should fail because of the imprecise plan, it will go on to consider the acceptability of the proposal on the basis that it is required for the dwellinghouse known as Pinfold Farm.

Buildings under Class E should be built for purposes incidental to the enjoyment of the house. Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house.

The rules also allows common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to the house would not, however, cover normal residential uses, such as separate self-contained accommodation, or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.

The Proposed Plan Ref: 023 Revision B shows that the proposed garage is to have three sections: motorhome parking, two car parking spaces and a gym/home office with the overall development to have a width of 16.5m, a length of 9.1m, and eaves and ridge heights of 2.5m and 4m, respectively. The motorhome section is to be a width of 4.5m, the car parking spaces 7.5m and the gym/home office 4.5m.

This is a significant building. Therefore onus is on the applicant to show that a building of the size proposed is genuinely and reasonably required.

The applicant's description of the proposal on the application form states: "proposed new detached garage with gym and office to the rear of the existing bungalow. The garage is to be constructed on the existing garden area and is to use the existing drive access. The garage will allow parking of Mr Davies two cars and his motorhome, which needs to be stored at home in a secure lockup for insurance purposes".

No further justification or supporting statement was supplied with the application form and proposed plans to showcase why this garage was needed for insurance purposes or why the gym/home office could not be inside the main dwellinghouse.

Mr Davies was given additional time to submit further information to support the Certificate of Lawfulness. On the 16/04/2026 the following documents were submitted to the LPA:

- Six vehicle registration documents (two of which were registered under Mr Davies name)
- A Mobility Cover Schedule (dated 15/12/2025)
- A photo showing six cars and a motorhome parked on the application site
- A photo showing Pinfold Farm's office
- A Certificate of Incorporation of a Private Limited Company (dated 19/10/2020)

Case law provides authority for how "incidental" should be interpreted. These authorities indicate that developments such as a garage and a gym/office can constitute uses incidental to the enjoyment of a dwellinghouse. In the leading case of *Emin v SSE* (1989) it was held that it was wrong to conclude that an outbuilding could not be said to be required for a use reasonably incidental to the enjoyment of a dwellinghouse as such because it would provide more accommodation for secondary activities than the dwelling provided for primary activities.

Appeal ref APP/B1550/X/22/3310296 further debates how to decide whether a development is considered 'incidental', stating that, nevertheless, the test must retain an element of objective reasonableness and should not be based on the unrestrained whim of an occupier. On the other hand, a hard objective test should not be imposed to frustrate the reasonable aspirations of a particular owner or occupier so long as they are sensibly related to the enjoyment of the dwelling. Here the Planning Inspector concludes that, in each case, it is a matter of fact and degree, and that each decision depends on individual circumstances.

APP/P1805/X/18/3202923 states the development proposed 'is something that could be reasonably expected to be accommodated in the main dwelling' and goes on to state 'the outbuilding merely

replicates the use of the existing accommodation within the house and extends the primary residential use into the new outbuilding’.

Whilst the GDPO does not state an absolute percentage as to how large the proposed outbuilding can be when compared with the host property, APP/B1550/X/22/3310296 states it is necessary to consider proposals in the context within which they would be situated.

Turning to the particulars of the case, the evidence, which includes detailed drawings, shows that the proposed outbuilding would be some 9.1m by 16.5m in length along the east elevation. It would be 2m shorter in width along the centre of the west elevation, where the two car parking spaces are proposed. The exterior footprint of the proposed outbuilding for use as a garage and gym/home office would equate to some 135.15m². Whilst the height is proportionate to the average dimensions of a motorhome, it is considered excessive for the other uses proposed.

The additional information provided by the applicant suggests that the occupier of Pinfold Farm has a camper van and two vehicles registered to that address. As such some garaging accommodation for Pinfold Farm is considered reasonable. However, the documents do not provide any further justification as to why these vehicles, particularly the campervan, need ‘to be stored at home in a secure lockup for insurance purposes’. This current Certificate of Lawfulness is also an amended resubmission of 3/2025/0294, where in the delegated report, the planning officer states that ‘the building was intended to be used by the Occupant of Pinfold Farm due to the applicant no longer using the motorhome’, which raises further doubt as to the requirements of the motorhome parking. Given the current parking arrangement shows at least six vehicles have access to this land for secure parking, the Council does not consider that the justification given with regards to the campervan needing to be stored inside a building for insurance purposes is sufficient to justify the extent of garaging accommodation proposed.

The gym/home office would measure 4.5m in width and 9.1m in length. Once again, this is considered excessive for the stated use. The proposed plans make no mention of the dimensions of the gym equipment to be accommodated in this room, to justify a larger footprint. Furthermore, the additional information sent in by Mr Davies on 16/04/2026 includes a photo of an existing office at Pinfold Farm but provided no further justification for requiring either a second office or a change of office location. The photos provided clearly show an office already in use at Pinfold Farm, therefore the proposed outbuilding would merely replicate the use of the existing accommodation within the dwellinghouse and would not be deemed necessary.

Size alone is not a determining factor, and it is also relevant to consider the reasonableness of the design and appearance of the building in considering whether or not this would be a genuine incidental use.

The proposed building would have 7 separate windows to the elevations, with 4 having double/triple panel arrangements to them and 3 of these serving the garaging accommodation (the garage would also have a single pane window), with the design appearing overly domestic and unreasonable for the intended use. The introduction of a large feature window on the front elevation is at odds with the intent of the building to be for secondary activities. The evidence is silent on why this number and arrangement of windows is required for the intended use.

Based on the reasons above, the application provides insufficient evidence to justify the size and scale and appearance of the proposed building would be reasonable for its intended use.

Observations/Consideration of Matters Raised/Conclusion:

RECOMMENDATION:	The submitted plans fail to clearly and precisely show which dwellinghouse the proposed building would be associated with, however from the application form the building has been assessed on the basis of it being within the curtilage of the dwellinghouse known as Pinfold Farm and required for a purpose incidental to the enjoyment of that dwellinghouse. The Local Planning Authority does not consider that sufficient evidence has been submitted to demonstrate that a building of the
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	<p>proposed size, scale, design and appearance would be required for a purpose reasonably incidental to the enjoyment of the dwellinghouse. Therefore, the proposal fails to meet the provisions of Part 1, Class E of the General Permitted Development Order 2015 (as amended) and planning permission would be required.</p>
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