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SUPPORTING STATEMENT

CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT (CLEUD) UNDER SECTION 191 OF THE TOWN & COUNTRY PLANNING ACT 1990

THE OUTBARN, CLOUGH BOTTOM, RABBIT LANE,
BASHALL EAVES, CLITHEROE BB7 3NA

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1. Introduction

- 1.1 The purpose of this submission is to seek to establish the lawful permitted existing use of the premises known as The Outbarn, Clough Bottom, Rabbit Lane, Bashall Eaves.
- 1.2 It is considered that the premises comprise a lawful mixed use of two distinctly separate elements being:
- a) Use within Class E (Commercial, Business and Service)(being the continuation of the former Class D1 element authorised under planning permission reference 3/2016/0243, as varied), and
 - b) Wedding Venue/Events Use (Sui Generis) limited to no more than 40 weddings/events per calendar year.

This being subject to the extant restrictions and conditions, including that no Class E (formerly D1 training) events and wedding/events may take place on the same day, and that operation is within the permitted hours as varied by planning permission 3/2018/0368.

2. Planning History

3/2024/0758 – Application for change of use from a mixed use within Class F1(a) and Sui Generis use as a Wedding Venue for up to 40 days a year to Sui Generis use as a Wedding Venue for up to 100 events a year – Refused 12 December 2025.

3/2023/0723 – Proposed retention of bin store and car park area, outdoor canopy and bridal suite lodge building – Approved 20 March 2024.

3/2023/0448 – Proposed construction of ten lodges, woodland path and landscaping – Approved 30 August 2024.

3/2020/0645 – Construction of new building for use as holiday accommodation in association with existing wedding venue business – Approved subject to S106 29 July 2021.

3/2018/1067 – Erection of new building to provide eight-bedroom holiday accommodation in connection with existing wedding/training venue business – Approved 18 January 2019.

3/2018/0368 – Application for the variation of condition 3 and 4 from planning permission 3/2016/0243 to vary the hours of operation and to allow 40 weddings per year – Approved 29 June 2018.

3/2017/0367 – Discharge of Condition 7 (one-way system) from planning permission 3/2016/0243 – Approved 7 June 2017

3/2016/0243 – Change of use from Class D1 to a mixed use within Class D1 and D2 to allow D2 use as a wedding venue for up to 40 days per year – Approved 22 July 2016.

3/2015/1001/P – Variation of condition 6 of planning permission 3/2012/0490/P to allow use as a wedding venue for up to 40 days per annum (resubmission 3/2015/0302) – Withdrawn 11 April 2016

3/2015/0302/P – Variation of condition 6 of planning permission 3/2012/0490/P to allow use as a wedding venue for up to 40 days per annum – Withdrawn 2 July 2015

3/2012/0490/P – Alteration extensions to existing training barn – Approved 3 August 2012

3/1996/0044/P – Conversion of barn to self-contained outdoor management training centre – Approved 2 April 1996

3. Analysis of the Planning History

- 3.1 Initially the training was undertaken in one of the traditional barns in the original courtyard setting to the farmstead in 1996, following planning permission approval under reference 3/1996/0044/P (Appendix A). The Outbarn was converted into a self-contained outdoor management training centre to support the business expansion and the requirement to conduct management training for 2 different corporate clients at the same time. In 1012 there was a requirement to expand the facilities at The Out Barn to deliver training for larger group sizes. Consent was issued under reference 3/2012/0490/P in August 2012 (Appendix B).

- 3.2 At this time it was considered appropriate to seek to diversify the business by introducing the sui generis use of utilising the venue for up to 40 events per calendar year and whilst two applications were formally withdrawn under references 3/2015/0302/P and 3/2015/1001/P, planning consent was subsequently approved in July 2016 under reference 3/2016/0243 (Appendix C) with a change of use from Class D1 to a mixed use within Class D1 and D2 to allow D2 use as a wedding venue for up to 40 days per year
- 3.3 Subsequent to this in July 2017 consent was granted under reference 3/2017/0367 to discharge condition 7 on consent 3/2016/0243.
- 3.4 For operational reasons associated with the use of the premises as a wedding venue on 40 days a year, it was necessary to seek and obtain consent to vary the hours of operation under planning consent 3/2018/0368 (Appendix D) which effectively with the imposition of condition 4 on the consent varied the hours of use restriction to the following: *“4. The mixed-use venue hereby approved shall only operate between the hours of 08:00 – 22:00 Monday and Tuesday inclusive, and between 08:00 – 01:00 (the following morning) on Wednesday to Sunday inclusive.”*
- 3.5 Accordingly, the operative restrictions on the mixed D1 and D2 uses are those contained in 3/2016/0243 as varied by 3/2018/0368. As such the lawful primary element of the mixed use of this site was originally expressed as Class D1 (training/non-residential institutional use) within the Use Classes Order in force in 2018.
- 3.6 The Use Classes Order was then subsequently amended in 2020 which resulted in uses formerly within Class D1 now being embodied within Class E. To demonstrate this more fully then it is essential to provide an evidential base as to how the facility has been used operationally since its inception.

4. Description of the Use

- 4.1 The application site is used as a commercial corporate training facility providing short-duration, non-residential training services to client companies. Major corporate clients have included Warburton's, Senator, Johnson Matthey, Volkswagen, Saint-Gobain, Wilko, Regatta Great Outdoors and other national businesses. Client companies book the premises together with professional training staff for bespoke courses, workshops or facilitated sessions. Services provided included 1-3 day intensive team building courses, bespoke leadership programmes, emotional intelligence training, personal 1-1 coaching (both on site and off site), and experiential business development programmes. As an ILM accredited training centre, quality assured programmes are delivered using ILM frameworks tailored to specific client business requirements. The ILM accreditation ensures quality assurance for the delivery of commercial services, rather than the provision of standardised educational qualifications to students. All programmes are delivered experientially both indoors and outdoors using practical business applications, fundamentally distinct from the classroom based structured curricular characteristic of educational institutions. Attendance is transient in nature, with delegates attending only for the duration of the booked session before leaving the premises. The premises do not operate as an educational institution. There is no enrolment of students, no academic year, no fixed curriculum, no examination or accreditation process, and no residential accommodation associated with the use. The services provided are commercial business to business transactions for professional workforce development, directly analogous to management consultancy, business coaching and corporate team development services, all recognised as commercial business services under Class E.

5. Nature and Character of the Use

- 5.1 The primary planning character of the use is the provision of a business-to-business commercial service.
- 5.2 The premises function in a manner analogous to professional offices, conference facilities or serviced meeting accommodation, or as a corporate retreat venue. Training activity is delivered by professional staff as part of a paid commercial service commissioned by corporate clients, which include short form intensive programmes (1-3 days), covering bespoke leadership development, experiential team building, and personal coaching services rather than as a conventional institutional

learning use. The commercial nature of the service is evidenced by the business to business contractual relationships with major national corporations with the bespoke tailoring of each programme to the specific business operational needs being a short term intensive delivery format which is wholly distinct from conventional academic terms or educational enrolment models.

- 5.3 Occupation of the premises is flexible and intermittent. Individual client bookings are short-term, with no long-term or continuous occupation by any single cohort. The use therefore lacks the permanence, structure and institutional characteristics typically associated with non-residential educational establishments.

6. Assessment Against the Use Classes Order (Class E)

- 6.1 Under article 3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), Class E (“Commercial, Business and Service”) includes uses which provide professional and commercial services, including offices and other business uses, and permits a wide range of flexible commercial activities within a single use class.
- 6.2 When assessed against the current definitions in the Use Classes Order, the lawful use of the premises falls squarely within Class E, and in particular within Class E(g)(i) (offices) and/or Class E(g)(ii) (commercial services).
- 6.3 The delivery of corporate training in this context is incidental to the provision of a commercial service to business clients. The premises are used by professional staff to provide that service in a flexible, short-term manner, consistent with the commercial and office-based uses contemplated by Class E.
- ## **7. Why the Use Does *Not* Fall Within Class F.1**
- 7.1 Class F.1 (“Learning and non-residential institutions”) is intended to capture uses such as schools, colleges, museums, libraries and other institutional learning environments which serve the public or defined student bodies on an ongoing basis.

7.2 The use of the application site does not share the defining characteristics of Class F.1.

In particular:

- the premises do not operate as an educational institution;
- there is no structured or continuous programme of learning;
- there is no enrolment, examination or qualification framework;
- the premises are not occupied by a stable or recurring student population; and
- attendance is limited to short, discrete periods associated with individual commercial bookings;
- training not assessed by any external educational body;
- training not eligible for any form of educational grant;
- training has never been registered as an educational charity.

7.3 In planning terms, any learning activity that occurs at the premises is ancillary to the provision of a commercial service, rather than constituting the primary use of the site.

8. Lawfulness and Continuity of Use

8.1 The premises have been used continuously for the purposes described above, with no material change in the character of the use. The use has at all times operated as a non-residential, commercial training facility serving corporate clients on a booking basis.

8.2 Applying section 55(2)(f) of the Town and Country Planning Act 1990, the use as carried on falls within the same use class (Class E) as defined by the current Use Classes Order. Accordingly, the use is lawful and does not constitute development requiring planning permission.

9. Conclusion

- 9.1 For the reasons set out above, it is respectfully submitted that the lawful use of the premises is properly characterised as a Class E commercial, business and service use within the meaning of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 9.2 The application therefore meets the statutory test for the grant of a Lawful Development Certificate (Existing Use) under section 191 of the Town and Country Planning Act 1990.