


**Report to be read in conjunction with the Decision Notice.**

<b>Signed:</b>	<b>Officer:</b>	<b>MC</b>	<b>Date:</b>	<b>07/04/2026</b>	<b>Manager:</b>	<b>LH</b>	<b>Date:</b>	<b>10/4/26</b>
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<b>Application Ref:</b>	3/2026/0084			 Ribble Valley Borough Council <small>www.ribblevalley.gov.uk</small>
<b>Date Inspected:</b>	N/A	<b>Site Notice:</b>	N/A	
<b>Officer:</b>	MC			
<b>DELEGATED ITEM FILE REPORT:</b>				<b>REFUSAL</b>

<b>Development Description:</b>	Certificate of Lawfulness for proposed access track to septic tank.
<b>Site Address/Location:</b>	Megitta House, Kenyon Lane, Langho, BB6 8AN

<b>CONSULTATIONS:</b>	<b>Parish/Town Council</b>
N/A	

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
<b>LCC Highways:</b>	N/A

<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
No comments received.	

**RELEVANT POLICIES AND SITE PLANNING HISTORY:**

The proposal is assessed against the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

**Relevant Planning History:**

**3/2026/0085**

Certificate of Lawfulness for existing outbuilding store (to the rear of the garage), extension to an existing pond, new access to highway and areas of hardstanding.  
Pending Consideration

**3/2025/0049**

Erection of two storey rear and side extension with single storey rear (west) extension including balconies to side and rear; single storey extensions to the front elevation (east) and porch.  
Approved with Conditions

**3/2020/0462**

Change of use of land to public car park.  
Refused

**3/1996/0192**

Erection of garage for commercial vehicle and attached stables  
Withdrawn

**3/1995/0192**

Erection of garage for commercial vehicle and attached stables

Refused

**ASSESSMENT OF PROPOSED DEVELOPMENT:**

**Site Description and Surrounding Area:**

The application site relates to an existing dwellinghouse in Dinckley. The dwelling is two-storey detached dwelling with access from Kenyon Lane.

The area is predominately rural with a number of larger dwellings and small farmsteads in the vicinity. The site is outside of a defined settlement and is designated as open countryside.

**Proposed Development for which consent is sought:**

Consent is sought for a proposed access track to septic tank.

**Principle of Development:**

The proposal seeks to determine whether the proposal falls under the realm of permitted development or if full planning consent is required.

**Other Matters:**

Assessment of proposal in relation to the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015:

In order to be permitted development, the proposal needs to satisfy a number of criteria as comprised in Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for hard surfaces incidental to the enjoyment of a dwellinghouse.

*Development consisting of—*

- (a) The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or*
- (b) the replacement in whole or in part of such a surface.*

The proposed development is for a new access track which the applicant considers falls to be assessed within the above criteria.

It should be noted that the delegated officer report for planning ref: 3/2025/0049 stated the following:

*“The red edge of the application site is large and whilst the ownership of this land is not disputed, the LPA does not consider that all of the land contained within the red edge of the application site is residential curtilage. This has been queried with the agent however the red edge has not been amended. Because the development applied for would be contained within the lawful curtilage of the property then this issue is not a reason to refuse the current application, however the LPA wish to make it clear that in approving the application, the land identified within the red edge is not accepted as lawful residential curtilage.”*

It should be noted that the red edge submitted with the certificate of lawfulness is smaller than the red line boundary submitted with planning ref: 3/2025/0049. However, the northern and western boundaries shown extend up to the tree line as per the previous application.

As such, an assessment must be first made as to whether the proposed development falls within the curtilage of the property to be assessed under Schedule 2, Part 1, Class E and F of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Whilst there is no definition of 'curtilage' a number of appeals to the Courts have dealt with the subject of the curtilage to a building and its extent.

In the case of *Sinclair-Lockhart's Trustees v Central Land Board* [1951] 1 P&CR 320, the Court said: "The ground used for the comfortable enjoyment of a house or other building may be regarded as being within the curtilage of the house or building and thereby an integral part of the same even though it has not been marked off in any way. It is enough that it serves the purpose of the house or building in some necessary or reasonably useful way."

In *Dyer v Dorset CC* [1988] 3 WLR 213, the curtilage was constrained to a small area about a building - "The area attached to and containing a dwellinghouse and its outbuildings". The size of that area being a question of fact and degree. In the case of *Mc Alpine v Secretary of State for the Environment and Wycombe District Council* [1994] E.G.C. 189, Deputy Judge Nigel Macleod QC identified 3 characteristics of a curtilage:

- (i) curtilage is constrained to a small area about a building;
- (ii) an intimate association with land which is undoubtedly within the curtilage is required in order to make the land under consideration part and parcel of that undoubted curtilage land; and,
- (iii) it is not necessary for there to be physical enclosure of that land which is within the curtilage, but the land in question at least needs to be regarded in law as part of one enclosure with the house.

Paragraph 4.1 of the applicants planning statement identifies an area of land highlighted in pink which the Council have previously suggested constitutes the curtilage of the property. However, the applicant considers that this is based on an old OS map which shows the previous property 'Redwalls' and they consider that the historic maps do not relate to the present day physical situation on the grounds, in terms of the actual property, physical features or curtilage.

Paragraph 4.4 of the applicants planning statement confirms that the submitted red line boundary is not separated from the main dwelling and forms part and parcel of the land associated with the host building, having been used in association with the enjoyment of the dwelling.

The Council have reviewed historic satellite imagery for Megitta House and the surrounding land. The proposed access track would extend approximately 11 metres from the submitted red edge western boundary. Prior to 2022, historic satellite imagery confirms that although there does not appear to be a physical separation between, the land has been used separately from the immediate garden area of the host property. In 2003, the western part of the site appeared to constitute farm land which was managed in the same manner as the agricultural land to the south of the site. The curtilage appeared to have been defined by hedgerow/tree planting within close proximity to the south and west of the host property, as well as to the north with an informal lawn extending approximately half way between the eastern and western boundaries and a curved hedgerow boundary to the north.

In 2015, a formal lawn area can be seen, with a much smaller defined boarder which sits closer around the extent of the property and in 2018, this was extended again to a similar size as in 2003, with approximately half of the site being unmown and half mown to formalise the garden area.

In 2020, an informal garden boundary was reduced further and the area to the west of the site appeared to have been left unmanaged, similar to the area of land outlined in 'blue' in the location plan submitted with this application.

From 2022, satellite imagery shows no clear differentiation between the land that is agricultural and the land used as residential garden for the host dwelling. Whilst the applicant considers that the land is not distinctly separate and has been used in association with the enjoyment of the dwelling, the Council does

not consider that all of the land required to facilitate the hard surfacing falls within the lawful curtilage of the property and the land has not been used as the immediate land associated with the enjoyment of the host property, being Megitta House.

The Council consider that the land shaded in pink within figure 15 of the applicants planning statement is a closer reflection of the extent of land that should be treated as curtilage, and clearly the proposed track sits well outside of this area. As such, the proposal does not fall to be assessed under Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Observations/Consideration of Matters Raised/Conclusion:**

The proposed access track would not be sited on land which constitutes the curtilage of the dwellinghouse and as such would fail to accord with Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**RECOMMENDATION:**

It is recommended that the certificate of lawfulness is refused for the following reason(s):

**01:**

The proposed access track as shown on drawing number D0275/406 lies outside of the curtilage of the dwelling and as such fails to comply with Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). An application for planning permission is therefore required.