


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	MC	Date:	07/04/2026	Manager:	LH	Date:	10/4/26
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Application Ref:	3/2026/0085			 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	Site Notice:	N/A	
Officer:	MC			
DELEGATED ITEM FILE REPORT:				REFUSAL

Development Description:	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.
Site Address/Location:	Megitta House, Kenyon Lane, Langho, BB6 8AN

CONSULTATIONS:	Parish/Town Council
N/A	

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

CONSULTATIONS:	Additional Representations.
No comments received.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:

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

Relevant Planning History:

3/2026/0084

Certificate of Lawfulness for proposed access track to septic tank.
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Withdrawn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:

This certificate of lawfulness is for an existing outbuilding store to the rear of an existing garage, extension to an existing pond, new hardstanding and a new access to the highway. This certificate of lawfulness is applied for on the grounds that the development is permitted development and seeks to establish the curtilage of the dwellinghouse.

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:

It should be noted that within 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.

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. 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.

Extension to pond

The extension to the pond is situated within the land shaded pink on figure 15 of the applicants planning statement and is considered to fall within the curtilage as such it falls to be assessed under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Class E allows for:

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.*

The extension to the pond is considered to constitute an alteration to an existing pool and therefore falls to be assessed under Class E (a) of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

E.1 Development not permitted by Class E if –

- a) *permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 (change of use);*

Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA 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 total area of ground covered by buildings, enclosures and containers within the curtilage would not exceed 50% of the total area of the curtilage.

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

The pond would not be sited on land forward of the principal elevation of the original dwellinghouse.

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

N/A

- 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 of case;*

The proposed building would not be within 2 metres of the boundary of the curtilage.

- f) *the height of the eaves of the building would exceed 2.5 metres;*

N/A

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

The building would not be sited within the curtilage of a listed building.

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

Insufficient information has been provided within the application to determine whether the proposal includes the construction of a verandah or raised platform.

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

The proposal does not relate to a dwelling or microwave antenna.

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

Insufficient information has been provided within the application to determine whether the extension to the pond would exceed 3500 litres.

k) the dwelling is built under Part 20 of this Schedule (construction of new dwellinghouses).

The dwellinghouse is not built under Part 20 of this Schedule.

For the above reasons insufficient information has been submitted to demonstrate that the pond satisfies all the relevant PD criteria.

Hardstanding

The Council considers that not all of the hardstanding lies within the curtilage of the dwellinghouse, which as previously set out is considered to be the area of land in the general location included within the pink shaded area within figure 15 of the applicants planning statement, and therefore 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). As such, an application for planning permission is required.

Outbuilding

The Council considers that the outbuilding is sited on land which is outside of the curtilage of the dwellinghouse, which as previously set out is considered to be the area of land in the general location included within the pink shaded area within figure 15 of the applicants planning statement, and therefore does not fall to be assessed under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, an application for planning permission is required.

Access

Means of access to a highway falls to be assessed under Schedule 2, Part 2, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Permitted development

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

Paragraph 4.6 of the applicants planning statement indicates that a new access point has been provided to the highway under the above permitted development criteria. However, the access is required in connection with an existing driveway/hardstanding which does not fall to be assessed under Schedule 2, Part 1, Class F or any other class of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it is located outside the curtilage of the dwellinghouse and therefore

it is not considered that the access is permitted development under Schedule 2, Part 2, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, an application for planning permission is required.

Observations/Consideration of Matters Raised/Conclusion:

The outbuilding, hardstanding and access as shown on drawing number D0275/306 Rev G lies outside of the curtilage of the dwelling and there is insufficient information submitted within the application to fully assess whether the extension to the pond is permitted development. As such the development fails to comply with Schedule 2, Part 1, Classes E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and Schedule 2, Part 2, Class B the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

An application for planning permission is therefore required.

RECOMMENDATION:	That the certificate of lawfulness be refused for the following reason(s):
01:	Insufficient information is submitted within the application to determine whether the extension to the pond as shown on drawing ref: D0275/306 Rev G complies with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
02:	The outbuilding store as shown on drawing ref: D0275/306 Rev G is sited outside the curtilage of the existing dwellinghouse and does not fall to be assessed under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). An application for planning permission is therefore required.
03:	The hardstanding as shown on drawing ref: D0275/306 Rev G is sited outside the curtilage of the existing dwellinghouse and 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). An application for planning permission is therefore required.
04:	The access as shown on drawing ref: D0275/306 Rev G is not required in connection with development permitted within any Class of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). An application for planning permission is therefore required.