


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

<b>Signed:</b>	<b>Officer:</b>	MC	<b>Date:</b>	13/03/2026	<b>Manager:</b>	LH	<b>Date:</b>	13/3/26
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<b>Application Ref:</b>	3/2026/0105	 Ribble Valley Borough Council <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a>
<b>Date Inspected:</b>	N/A	
<b>Officer:</b>	MC	
<b>DELEGATED ITEM FILE REPORT:</b>		<b>APPROVAL</b>

<b>Development Description:</b>	Certificate of Lawfulness for proposed use of the first floor of the building and associated land as Class E(d) (indoor sport, recreation or fitness).
<b>Site Address/Location:</b>	53 to 57 Berry Lane, Longridge, PR3 3NH

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

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

<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
N/A	

<b>RELEVANT POLICIES AND SITE PLANNING HISTORY:</b>
<p>The Town and Country Planning (Use Classes) Order 1987 (as amended)</p> <p>Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)</p>
<b>Relevant Planning History:</b>
<p><b>3/2024/0664</b> Proposed installation of external non-illuminated fascia sign and external non-illuminated hanging sign. <i>Approved with Conditions</i></p> <p><b>3/2024/0408</b> Change of use of Unit 2 from retail unit (Class E) to a Hot Food Takeaway (Sui Generis) with installation of extraction equipment. Shop front alterations to units 1 and 2 (pursuant to variation of condition 4 of 3/2023/0055 (hours of operation) to change opening hours to 11:00 to 00:00 Monday to Sunday, including Bank Holidays. <i>Approved with Conditions</i></p> <p><b>3/2023/0785</b> Approval of details reserved by condition 6 (refuse collection) of planning permission 3/2023/0055. <i>Approved with Conditions</i></p>

**3/2023/0784**

Change of use of Unit 2 from retail unit (Class E) to a Hot Food Takeaway (Sui Generis) with installation of extraction equipment. Shop front alterations to units 1 and 2 (pursuant to variation of condition 5 of 3/2023/0055 (delivery times) to allow deliveries between 7am and 11pm from Berry Lane)  
*Refused*

**3/2023/0309**

Proposed installation of external illuminated fascia sign and external illuminated hanging sign.  
*Refused*

**3/2023/0055**

Change of use of Unit 2 from retail unit (Class E) to a Hot Food Takeaway (Sui Generis) with installation of extraction equipment. Shop front alterations to units 1 and 2.  
*Approved with Conditions*

**3/2021/1160**

Demolition of an extension, polytunnels and storage building and erection of extension to existing retail premises (use class E) at ground floor and five apartments above. Conversion of upper floor of existing building to create two apartments.  
*Refused*

**3/2001/0421**

CHANGE OF USE OF GARAGE AREA TO RETAIL FLOOR SPACE  
*Approved with Conditions*

**3/2001/0189**

ERECTION OF TEMPORARY POLYTUNNEL STRUCTURE TO REAR OF BUILDING  
*Approved with Conditions*

**3/1997/0619**

INTERNALLY ILLUMINATED PROJECTING SIGN  
*Approved with Conditions*

**3/1985/0007**

Extension and alteration to existing shop premises and change of use of optician and flat to shop with stores over.  
*Approved with Conditions*

**ASSESSMENT OF PROPOSED DEVELOPMENT:****Site Description and Surrounding Area:**

The application site comprises the first floor of 53-57 Berry Lane in Longridge. The site is located within the Longridge Conservation Area and the properties have been subject to a number of planning applications. The site is currently vacant and the last use of the first floor was retail (Class E) associated with part of 'Swifts' Hardware shop'. The ground floor of 53-57 Berry Lane is now occupied by Domino's Pizza (Sui generis) and Mobi Village (Class E (a)) use.

The Planning Statement states that the site is physically separated from the ground floor and pedestrian access to the site is at the rear of the building from Warwick Street. The Planning Statement indicates that the land at the rear of the building included in this application comprises a small area in front of the rear access door and the floor area of part of the building which was altered due to safety issues following fire damage in 2021.

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

The proposed development is to establish the use of the first floor of the building as Use Class E (d).

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

Planning permission was granted under planning ref: 3/1985/0007 for the change of use of an optician and flat to shop with stores over. There were no restrictive conditions attached to the decision notice of this application which restricted the use to retail only.

Planning permission was applied for in 2021 to convert the upper floors into two apartments. Whilst this application was refused, the existing floorplans submitted with this application shows the first floor of 53-57 Berry Lane being used as a staffroom, storage, small retail area and an office, with the Planning Statement identifying that the first floor was used in connection with Swift's Hardware.

In 2023, planning permission was granted under planning ref: 3/2023/0055 at 53-57 Berry Lane to convert Unit 2 (no. 53) at ground floor level to a Hot Food Takeaway (sui generis) and the site is now operated by Domino's Pizza. No floorplans were submitted in relation to the first-floor unit above and no conditions were added to this permission which restricts the use of the first-floor unit. The Planning Statement submitted under planning ref: 3/2023/0055 states that the first floor of 53-57 was occupied by two residential flats (C3). The agent for this planning application considers that this is an error and the first floor has not been used as flats following the closure of the retail unit.

Having reviewed the submitted information with planning application ref: 3/2023/0055, a noise assessment was submitted. This noise assessment notes the closest residential receptors to the site which are 'Flat 59a' (noted as above the adjacent ground floor commercial/retail premises), '2 & 4 Towneley Road' and '1-4 Auction Court'. No mention is made to residential flats above no. 53-57 Berry Lane and as such, it can be reasonably assumed that this was an error and the lawful use of the first floor of the building is Class E (associated with the original retail use granted under planning ref: 3/1985/0007).

The Town and Country Planning (Use Classes) Order 1987 (as amended) identifies a range of uses of buildings/land and allows the change of specific uses within individual classes.

It is important to establish whether there is a material change of use of the site from retail with ancillary storage, to a Pilates studio.

Use Class E (Commercial, Business and Service) of The Town and Country Planning (Use Classes) Order 1987 (as amended) is as follows:

*Use, or part use, for all or any of the following purposes—*

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*
- (c) for the provision of the following kinds of services principally to visiting members of the public—*
  - (i) financial services,*
  - (ii) professional services (other than health or medical services), or*
  - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,*
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms [F51 or use as a swimming pool or skating rink], principally to visiting members of the public,*

*(e)for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,*  
*(f)for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*  
*(g)for—*  
*(i)an office to carry out any operational or administrative functions,*  
*(ii)the research and development of products or processes, or*  
*(iii)any industrial process,*  
*being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

Paragraph 4.4 of the submitted Planning Statement indicates that the proposed use would be a Pilates Studio where the instructor would hold classes for members of the public to take part in. The instructor gives directions to the class to carry out exercise to improve flexibility, muscle strength and fitness.

It is considered that this activity falls within Class E (d) indoor sport, recreation or fitness and the use of the first floor of no. 53-57 Berry Lane would therefore change from Class E (a) to Class E (d).

Planning permission would not be required to move between the two uses as they both fall within Class E and there are no restrictive conditions attached to previous planning applications.

As such, an application for planning permission is not required for the development.

<b>RECOMMENDATION:</b>	That the certificate of lawfulness be granted.
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