


<b>Report to be read in conjunction with the Decision Notice.</b>								
<b>Signed:</b>	<b>Officer:</b>	<b>AR</b>	<b>Date:</b>	<b>19/05/2026</b>	<b>Manager:</b>	<b>LH</b>	<b>Date:</b>	<b>19/5/26</b>

<b>Application Ref:</b>	3/2026/0193			 <b>Ribble Valley Borough Council</b> <small>www.ribblevalley.gov.uk</small>
<b>Date Inspected:</b>	N/A	<b>Site Notice:</b>	N/A	
<b>Officer:</b>	AR			
<b>DELEGATED ITEM FILE REPORT:</b>				<b>REFUSAL</b>

<b>Development Description:</b>	Certificate of Lawfulness for existing development involving window in gable end of garage building and use of part of building as ensuite and guest bedroom which differs from approved plan 3/2013/0760 which shows a workshop/utility room without a window.
<b>Site Address/Location:</b>	The Old Smithy Dinkling Green Lane Chipping PR3 2QS

<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 additional representations received.	

<b>RELEVANT POLICIES AND SITE PLANNING HISTORY:</b>
Town and Country Planning 1990, Section 171 (B); Section 191
National Planning Practice Guidance: Lawful Development Certificates

<b>Relevant Planning History:</b>
3/2014/0797 – Non-Material amendment. Relocate the garden store door from the end gable wall to the elevation facing into the garden. Internally sub-divide the garage from the workshop/utility area and create an additional external door opening (Approved).
3/2014/0437 – Discharge of conditions no.3 (materials), 4 (root protection measures) and 5 (landscaping) of planning approval 3/2013/0760 (Approved).
3/2014/0061 – Discharge of condition 5 (landscaping) of planning permission 3/2013/0760.
3/2013/0760 – Demolition of an existing garage adjacent to a rare surviving elm tree and construction of a replacement stone-built garage with pitched slate roof away from the elm, further down the garden (Approved).
3/2011/0305 – Application for Certificate of Lawfulness for a proposed single storey extension on the principle and rear elevations of the building (Approved).
3/2004/0467 – single storey extension (Approved).

## ASSESSMENT OF PROPOSED DEVELOPMENT:

### Site Description and Surrounding Area:

The application site relates to a detached dwelling house that was formerly a smithy building and has an extensive planning history. The building was converted to holiday let accommodation in 1988 and has been subject to a single-storey extension to the south-western elevation under application 3/2004/0467 and a single-storey extension on the principal and rear elevations under application 3/2011/0305. The site further benefits from a two-storey garage/workshop with a garden store, approved under application 3/2013/0760, which is located in the dwelling's rear garden.

The dwellinghouse is now a stone-built cottage set within a large garden adjacent to Little Bowland Road with vehicular access to the east of the cottage leading to a parking area and a detached garage. The northern gables of the cottage face the road in an area that is a National Landscape. The application site is further constrained by PROW FP11 Bowland with Leagram running along the curtilage boundary, and there are several mature trees on-site.

### Proposed Development for which consent is sought:

This is an application for a Certificate of Lawfulness with respect to the following existing development:

- Without planning permission, the erection of a window in the gable end of the garage building
- Without planning permission, the use of the workshop/utility room as approved in 3/2013/0760 as a guest bedroom and ensuite

It is the applicant's claim that the aforementioned bedroom, en-suite, and additional window were internally finished in December 2013, with the work being approved by Building Regulations. As such, the applicant seeks confirmation of the above in the form of a Lawful Development Certificate.

### Assessment of proposal:

#### Window:

The lawfulness of the existing window in question rests upon a detailed assessment of the supporting information provided as part of the application in relation to the provisions of Section 171(B) of the Town and Country Planning Act (1990) (the Act).

The erection of the window on the gable end of the garage building is in breach of condition 1 on Non-Material Amendment 3/2014/0797; which modifies condition 2 on application 3/2013/0760.

Application 3/2014/0797 was a non-material amendment to 3/2013/0760 to allow for the relocation of the garden store door from the end gable wall to the elevation facing into the garden, and to internally sub-divide the garage from the workshop/utility area and create an additional external door opening. Condition 1 on the decision notice stated:

*'The permission shall relate to the development as shown on Plan Reference: Proposed Site Plan, Floor Plans & Elevations. Rev.C.*

*Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.'*

The Proposed Site Plan, Floor Plans & Elevations, Rev.C, referenced in condition 1, does not show the existing window in question. Therefore, the applicant is applying for a Certificate of Lawfulness, which would deem this existing window lawful.

Section 171(B) of the Town and Country Planning Act 1990 (as amended) provides timescales whereby unauthorised development becomes immune from enforcement action and, as such, becomes lawful as follows:

*'Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of—*

*[F2(a)in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed, '*

However, since the applicant claims the operational development was substantially completed in 2013, the development would fall under the 2023 transitional arrangements for enforcement control (time limits), and the previous four-year enforcement period would still apply where the operational development was substantially completed before 25 April 2024.

The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024, Regulation 5 states:

*'The amendments made to the 1990 Act by section 115 of the 2023 Act (time limits for enforcement) do not apply where –*

*(a)in respect of a breach of planning control referred to in section 171B(1) of the 1990 Act (1) (time limits), the operations were substantially completed, or*

*(b)in respect of a breach of planning control referred to in section 171B(2) of the 1990 Act (time limits), the breach occurred,*

*before the day on which that section comes into force.'*

As such this breach of planning control falls to be considered against the Town and Country Planning Act 1990, Section 171B (2013 amendments):

*(1) 'Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.*

The applicant has submitted evidence to the LPA in the form of a time-stamped photograph of the window in question (dated 08/12/2014) to demonstrate that the window was erected whilst the garage was still under construction.

Building Regulations application 3/2014/1025/B states that the date of the completion inspection for the 'construction of new detached garage/utility room/garden store and associated works' was the 27<sup>th</sup> of August 2015.

Therefore on the balance of probability the window was substantially more than four years prior to the application being made. Therefore, the existing window in question, on the gable end of the garage building, can be deemed lawful.

**Bedroom/Ensuite:**

The applicant is also applying for a Certificate of Lawfulness for the use of part of the building as an ensuite and guest bedroom, which differs from the approved plan on NMA 3/2014/0797 and the original application 3/2013/0760, which shows a workshop/utility room.

As with the window, the applicant claims this layout change was substantially completed in 2013, as such the development would fall under the 2023 transitional arrangements for enforcement control (time limits) and the breach of planning falls to be considered against the Town and Country Planning Act 1990, Section 171B (2013 amendments):

*(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach*

Conditions imposed on the original and NMA applications required compliance with the approved plans. The evidence indicates that the building was never laid out in accordance with the approved plans – as opposed to being laid out correctly and then changed afterwards. As such 171B(3) is relevant, but based on the evidence submitted, this breach of condition has exceeded ten years. Therefore, the use of some of the floorspace as a bedroom / ensuite is deemed lawful.

**Conclusion:**

The council are satisfied that on the balance of probabilities, the window on the gable end of the garage building at the dwellinghouse known as The Old Smithy has been erected for a period of four years prior to the date of this application, and is therefore considered lawful by virtue of section (1) of 171(B) of the Town and Country Planning Act 1990. Furthermore, whilst there was an approved plan condition on 3/2014/0797 identifying how the building should be laid out internally, this breach of condition has exceeded ten years, and is therefore considered lawful by virtue of section (3) of 171(B) of the Town and Country Planning Act 1990.

**RECOMMENDATION:** That the certificate of lawfulness be approved for the following reason(s).

On the basis of the evidence provided, it is considered that the window on the gable end of the garage building at the dwellinghouse known as The Old Smithy has been installed for a period in excess of four years and the layout alterations to create an ensuite and guest bedroom in the same building have been in situ for in excess of ten years. As such, the development is considered lawful by virtue of sections (1) and (3) of the Town and Country Planning Act 1990.