


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

<b>Signed:</b>	<b>Officer:</b>	BT	<b>Date:</b>	24/4/26	<b>Manager:</b>	LH	<b>Date:</b>	24/4/26
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<b>Application Ref:</b>	3/2026/0228	 <p>Ribble Valley Borough Council <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a></p>
<b>Date Inspected:</b>	N/A	
<b>Officer:</b>	BT	
<b>DELEGATED ITEM FILE REPORT:</b>		<b>APPROVAL</b>

<b>Development Description:</b>	Certificate of lawfulness for confirmation that the use of the site for 4 dwellings approved by planning permission 3/2023/0056 has been lawfully implemented.
<b>Site Address/Location:</b>	Phynis Farm, Catlow Road, Slaidburn, BB7 3AQ.

<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>
None.	

<b>RELEVANT POLICIES AND SITE PLANNING HISTORY:</b>
<p>Town and Country Planning Act 1990, Section 56 &amp; 191</p> <p>National Planning Practice Guidance: Lawful Development Certificates</p>
<p><b>Relevant Planning History:</b></p> <p><b>3/2026/0199:</b> Non-material amendment to planning permission 3/2023/0056 to amend the wording of conditions 13 (protected species licence), 14 (details of bat and bird boxes) and 21 (archaeological building record) to allow for the works to create visibility splays and passing places to be carried out on the site access before the conditions are discharged (Approved)</p> <p><b>3/2024/0017:</b> Non-material amendment to planning permission 3/2023/0056 involving repositioning the proposed passing places on the access track (Approved)</p> <p><b>3/2023/0892:</b> Approval of details reserved by condition 15 (scheme for the construction of off-site highway works) of planning permission 3/2023/0056 (Approved)</p> <p><b>3/2023/0056:</b></p>

Proposed conversion of former farm buildings to form four dwellings including the change of use of land to form private curtilage areas and the remodelling of the central courtyard (Approved)

#### **ASSESSMENT OF PROPOSED DEVELOPMENT:**

##### **Site Description and Surrounding Area:**

The application relates to a grouping of three barn buildings situated on the Northern outskirts of Slaidburn within the Forest Of Bowland National Landscape. The application site comprises three barn buildings and a farmhouse set around a courtyard area with the buildings aligned in a horseshoe formation. The farm house and barn buildings are of traditional construction and appearance albeit with the exception of the site's Northern most barn which comprises a modern extension on its North-western elevation. Access to the application site is from the North-west via a private road off Catlow Road which provides subsequent access to the site's access track. The wider area comprises a mixture of woodland, agricultural land and open countryside with Stocks Reservoir lying to the North-east of the application site.

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

This is an application for a Certificate of Lawfulness to establish whether a start has been made to approved planning application 3/2023/0056 which granted consent for the conversion of farm buildings to form four residential dwellings. The applicant states that operational development pertaining to planning consent 3/2023/0056 has been undertaken on site therefore the applicant seeks confirmation in the form of a Lawful Development Certificate to confirm that commencement of the approved works has been undertaken within the required three year start date period.

##### **Assessment of proposal:**

The lawfulness of the existing use in question rests upon a detailed assessment of the supporting information provided as part of the application in relation to the provisions of Section 56 of the Town and Country Planning Act (1990) (the Act).

Section 56 (2) of the Town and Country Planning Act (1990) defines the commencement of development as follows:

*'Development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out'.*

Material Operations are defined within Section 56 (4) the above Act as being any of the following:

- any work of construction in the course of the erection of a building
- any work of demolition of a building
- *the digging of a trench which is to contain the foundations, or part of the foundations, of a building*
- the laying of any underground main or pipe to the foundations, or part of the foundations, of a building
- any operation in the course of laying out or constructing a road or part of a road

As conveyed above, planning consent was granted under application 3/2023/0056 for the conversion of farm buildings to form four residential dwellings. Numerous highways related works were approved under this application which included alterations to the application site access on the junction between Catlow Road and the site's private road in order to achieve appropriate visibility splays, the introduction of passing places along the site's private road and widening / introduction of passing places to the site's access track. Details of alterations to the aforementioned site access were subsequently approved under discharge of condition application 3/2023/0892 with the configuration and quantity of the aforementioned passing places also being subsequently amended under non-material amendment application 3/2024/0017.

The application's supporting information states that the aforementioned alterations to the site access on the junction between Catlow Road and the site's private road, construction of passing places along the site's private road and widening / construction of passing places to the site's access track were completed in April 2025. In this instance, numerous photographs have been provided in support of the application which clearly show that operational development pertaining to the above works has been undertaken on site. Furthermore, whilst conditions 13, 14 and 21 imposed on planning consent 3/2023/0056 were conditions with pre-commencement triggers, the requirements of these conditions have since been modified through approved non-material amendment application 3/2026/0199 which now allows for operational development to be undertaken on site, subject to no works being undertaken to the site's barn buildings (prior to further details being provided with regards to ecological survey work and historic building recording). As such, the aforementioned non-material amendment consent has effectively removed any conflict between the original pre-commencement triggers imposed and works which have since been undertaken on site.

National Planning Practice Guidance states:

*'The applicant is responsible for providing sufficient information to support an application...if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.'*

Taking into account the submitted supporting information and in the absence of any other evidence to suggest otherwise, it is considered that the applicant has provided a sufficient quantity of supporting evidence to support their claim that material operations have been carried out within the three year commencement period relating to application 3/2023/0056 and that these works are lawful as stated. Furthermore, there is no other evidence to contradict the applicant's version of events.

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

The applicants have provided sufficient evidence to satisfy the Local Planning Authority that material operations were carried out within the three year commencement period relating to application 3/2023/0056 and the Council has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable.

Moreover, Section 191 (4) of the Town and Country Planning Act 1990 states:

*'If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, they shall issue a certificate to that effect.'*

As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval.

<b>RECOMMENDATION:</b>	To approve the application for a Certificate of Lawfulness.
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