


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

<b>Signed:</b>	<b>Officer:</b>	BT	<b>Date:</b>	22/6/26	<b>Manager:</b>	LH	<b>Date:</b>	23/6/26
----------------	-----------------	----	--------------	---------	-----------------	----	--------------	---------

<b>Application Ref:</b>	3/2026/0250			 Ribble Valley Borough Council <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a>				
<b>Date Inspected:</b>	1/5/26	<b>Site Notice:</b>	1/5/26					
<b>Officer:</b>	BT							
<b>DELEGATED ITEM FILE REPORT:</b>					<b>APPROVAL</b>			

<b>Development Description:</b>	Prior approval for proposed change of use of osteopath clinic (use class E(e)) to dwelling (use class C3) under part 3 Class MA of the GDPO.
<b>Site Address/Location:</b>	24 Chatburn Road, Clitheroe, BB7 2AP.

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
Environment Agency:	No comments to make.

<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
Although not consulted on the application comments have been received from Clitheroe Town Council with no objections raised to the proposal subject to alleged issues of damp within the application property being resolved. Neighbouring properties have not been consulted on the application however one additional representation has been received in relation to the proposal which makes reference to the property's rear extension as having not been constructed in accordance with planning and building regulations.	

<b>RELEVANT POLICIES AND SITE PLANNING HISTORY:</b>
The proposal is assessed against the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

<b>Relevant Planning History:</b>
<b>3/2011/0981:</b> Proposed single storey rear extension to increase reception areas (Approved)
<b>3/2006/0101:</b> Single storey rear extension to increase reception areas (Approved)
<b>3/1993/0686:</b> Display of two non-illuminated fascia signs (Approved)
<b>3/1993/0144:</b> Change of use from part of house to osteopathic clinic (Approved)

<b>ASSESSMENT OF PROPOSED DEVELOPMENT:</b>
<b>Site Description and Surrounding Area:</b>

The application relates to a commercial premises situated in the defined settlement area of Clitheroe. Primary access to the application property is from Chatburn Road with additional side and rear access to the property being from Kendal Street. The application property comprises an end terraced two storey property detailed in stone, slate, UPVC windows and timber doors with the terraced properties adjoining the South-western side of the property being similar in terms of design and external appearance. The application property has previously accommodated a residential use but has been in commercial use as an osteopath clinic since the 1990s. The surrounding area is predominantly residential in character and lies within close proximity to Clitheroe town centre.

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

The application seeks to establish as to whether prior approval is required in respect of a proposed change of use of the application property from an osteopath clinic (Use Class E) to a dwellinghouse (Use Class C3).

**Assessment of Proposed Development:**

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Development Not Permitted

MA.1.—(1) Development is not permitted by Class MA—

- a) [text deleted]
- b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

**The use of the building falls within use Class E and fell within Use Class D1 as defined within sub-paragraph 2 for a continuous period of at least 2 years prior to the application**

- c) [text deleted]
- d) if land covered by, or within the curtilage of, the building—
  - (i) is or forms part of a site of special scientific interest;
  - (ii) is or forms part of a listed building or land within its curtilage;
  - (iii) is or forms part of a scheduled monument or land within its curtilage;
  - (iv) is or forms part of a safety hazard area; or
  - (v) is or forms part of a military explosives storage area;

**The land covered by, or within the curtilage of, the building does not fall within any of the above defined categories**

- e) if the building is within—
  - (i) an area of outstanding natural beauty;
  - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
  - (iii) the Broads;
  - (iv) a National Park; or
  - (v) a World Heritage Site;

**The building is not located within any of the above defined categories**

- f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
- g) before 1 August 2022, if—
- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
- (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

**None of the above criterion are applicable to the building**

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

**The building was used for purposes within Use Class E on or after 1<sup>st</sup> of September 2020**

**Conditions**

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- a) transport impacts of the development, particularly to ensure safe site access;

**It is not considered that there will be any adverse transport impacts**

- b) contamination risks in relation to the building;

**It is not considered that there are any contamination risks associated with the building**

- c) flooding risks in relation to the building;

**Recently updated flood risk mapping (NaFRA2 - National Flood Risk Assessment 2) identifies the application property as being at risk of flooding from surface water, with the application property also identified as lying within Flood Zone 2. As such, a flood risk assessment has been provided in support of the application which shows the identified extent of surface water flood risk as 'medium' for a depth of 20cm outside the application property, with the property's rear door threshold being 20cm**

above the property's rear yard level. Consequently, emergency access vehicles would still be able to enter the water in the event of a flood. In addition, analysis shows the level of fluvial flood risk to the application property as falling within the 'Low' threshold and it is further stated that there has only been one flood risk event within the vicinity of the application property in the last 33 years which did not affect the application property. In light of all of the above, it is considered that there would be safe emergency access for future occupants in the event of a flood.

d) impacts of noise from commercial premises on the intended occupiers of the development;

**Analysis shows the presence of one commercial premises within close proximity to the rear of the application property however it is not considered that the activities associated with the use of this commercial property (a welding and engineering supplies store) would ever give rise to noise levels that would be unduly harmful to the amenity of any future occupants of the proposed dwelling**

e) where—

- (i) the building is located in a conservation area, and
- (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

**The building is not located in a Conservation Area**

f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

**Floor plan drawings have been provided in support of the application which show that all habitable rooms within the proposed dwelling would be served by a sufficient number of window openings. Consequently, it is considered that the proposed development would provide adequate levels of natural light for future occupants of the proposed dwelling**

g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

**The above criterion does not apply to the building**

h) where the development involves the loss of services provided by—

- (i) a registered nursery, or
- (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and
- (iii) (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

**The above are not relevant to the proposal**

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

Taking account of the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Prior Approval for the change of use from that of Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) is not required.

<b>RECOMMENDATION:</b>	Prior approval is not required.
------------------------	---------------------------------