

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	MC	Date:	06/08/2026	Manager:	KH	Date:	06/08/26
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Application Ref:	3/2026/0464			 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	Site Notice:	N/A	
Officer:	MC			
DELEGATED ITEM FILE REPORT:				APPROVAL

Development Description:	Certificate of Lawfulness for proposed replacement garage.
Site Address/Location:	6 Church Raikes, Chipping, PR3 2QL

CONSULTATIONS:	Parish/Town Council
N/A	

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

CONSULTATIONS:	Additional Representations.
N/A	

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Schedule 2 Part 1 Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Relevant Planning History:

3/2022/1128

Proposed new window opening to new internal ground floor shower room.
Approved with Conditions

3/2013/0444

Application to discharge condition no. 3 (materials) of planning permission 3/2013/0097P.
Approved No Conditions

3/2013/0098 (Conservation Area Consent)

Proposed single storey extension of utility space and including removal of NW facing roof slope and door.
Withdrawn

3/2013/0097

Proposed single storey extension of utility space and including removal of NW facing roof slope and door.
Approved with Conditions

3/2001/0568

CERTIFICATE OF LAWFULNESS FOR A PROPOSED CONVERSION OF GARAGE TO A DINING AREA, WC AND LOBBY. PARKING AREA IN FRONT GARDEN
Permitted Development

3/1989/0393

EXTENSION TO PROVIDE BEDROOM OVER EXISTING GARAGE

Approved no Conditions

3/1982/0199

Proposed change of use from store to dwelling

Approved with Conditions

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to a piece of land adjacent to no. 6 Church Raiké, Chipping. The site is located within the settlement of Chipping, within the Forest of Bowland National Park and adjacent to the Chipping Conservation Area boundary. No. 6 Church Raiké is identified as a Building of Townscape Merit.

Proposed Development for which consent is sought:

The application seeks a Certificate of Lawfulness for the construction of a proposed replacement garage.

The proposed building would measure approximately 5.1m x 3.07m and would have an eaves height of 2.1m and a total height of 3.4m.

16.5m by 9.1m with an eaves and ridge height of 2.5m and 4m respectively and would be constructed from natural stone to the external elevations and a slate roof.

Other Matters:

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

In order to be permitted development, the proposed development needs to satisfy a number of criteria as comprised in Schedule 2 Part 1 Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the provision within the curtilage of a 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.*

Permitted development rights for householders Technical Guidance (2019) defines 'curtilage' as follows:

'Land which forms part and parcel with the house. Usually, it is the area of land which the house sits, or to which it is attached, such as the garden, but for some houses, especially in the case of properties with large grounds, it may be a smaller area.'

In this respect, the original dwelling was granted consent under planning ref: 3/1982/0199 and permitted development rights were removed under Condition 3 of this consent. It should be noted that the piece of land which formed the original location plan submitted with this application (the location plan has since been updated prior to determination to include no. 6 Church Raiké) was not included within this permission.

Having viewed the history of the site, including google street view imagery, it appears that the land in question has been used as domestic residential garden space continuously for a period of 10 years or more. As such, whilst the land is sited outside of the residential curtilage of no. 6 as granted in 1982, the lawful use of the land is residential garden and has been associated with the adjacent property. As such, no change of

use has occurred and the proposed outbuilding is considered to be sited within the residential curtilage of number 6 and the proposal falls to be assessed under Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

E.1 Development is 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 of this Schedule (changes of use);

Permission for use as a dwellinghouse was not granted 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 (other than the original dwellinghouse) 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 outbuilding would not be situated on land forward of a wall forming the principal elevation of the original dwelling.

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

The outbuilding would be single storey.

(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 other case;

The outbuilding would be sited within 2 metres of the boundary but the height would not exceed 2.5m.

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

The eaves height would not exceed 2 metres.

(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;

It would not include any of the above.

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

N/A

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

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

N/A

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The building would be located within a National Landscape (formerly Area of Outstanding Natural Beauty) but the building would not be sited 20 metres from any wall of the dwellinghouse.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

The land in which this application relates is not located on article 2(3) land.

Observations/Consideration of Matters Raised/Conclusion:

The proposed works constitute permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 1, Class E.

RECOMMENDATION:	To approve the application for a Certificate of Lawfulness.
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