

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	LOH	Date:	15/09/26	Manager:	LH	Date:	23/9/26
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Application Ref:	2026/0589			 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	Site Notice:	N/A	
Officer:	LOH			
DELEGATED ITEM FILE REPORT:				APPROVAL

Development Description:	Proposed certificate of lawfulness for existing subdivision of one dwelling into two dwellings.
Site Address/Location:	17 Hornby Road Longridge PR3 3RE

CONSULTATIONS:	Parish/Town Council
N/A	

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

CONSULTATIONS:	Additional Representations.
N/A	

RELEVANT LEGISLATION AND SITE PLANNING HISTORY:

Sections 55, 171 (B) + 191 of the TCPA 1990

Relevant Planning History:

90/0656: Proposed 2 storey side extension (APPROVED) Property was known as 13 Hornby Road and then changed to 15 and 17 Hornby Road.

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to a dwellinghouse situated in Longridge, known as 15 Hornby Road. The application seeks a certificate of lawfulness for the subdivision of existing dwellinghouse 15 Hornby Road into two separate dwellinghouses, known as 15 and 17 Hornby Road.

The property was previously known as 13 Hornby Road and was renumbered 15 Hornby Road by a previous owner. The existing properties at number 15 and 17 Hornby Road are accessed via separate, self-contained entrances, with each dwelling having an independent means of access. Number 15 comprises a terraced dwellinghouse and number 17 comprises an end of terrace dwellinghouse with a garage to the southwest of the garden.

The application property is sited within a residential area within the defined settlement boundary of Longridge.

Proposed Development for which consent is sought:

This is an application for a Certificate of Lawfulness to establish use of a building as a separate dwellinghouse for a continuous period. It is the applicant's claim that the property has been in continuous use as a separate dwelling from 1st September 2001 through to the present day. As such, the applicant seeks confirmation of the above in the form of a Lawful Development Certificate.

Observations/Consideration of Matters Raised/Conclusion:

The subdivision of a single dwellinghouse into two or more separate dwellinghouses is considered a material change of use under Section 55(3)(a) of the Town and Country Planning Act 1990 and is therefore classed as development. Therefore, the proposal would have required planning permission and so it is necessary to consider whether it is now immune from enforcement action.

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

(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.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(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.

Within the submitted application form, the applicant is claiming that the works or activity began before 25 April 2024 and therefore the transitional measures whereby The Levelling Up and Regeneration Act 2023 (section 115) amended the Town and Country Planning Act 1990 (section 171B) to update the time limits within which local planning authorities can take planning enforcement action against breaches of planning control do not apply.

National Planning Practice Guidance states:

'The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.

In the case of applications for existing use, 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.'

Submitted Evidence:

Two statements of declaration from the owner of 17 Hornby Road and the occupier of 15 Hornby Road have been submitted in support of this application.

Whilst this evidence is somewhat limited the Council Tax records show the properties as being listed in separate council tax records since 2001.

As such, the Council are satisfied that on the balance of probabilities, the property known as 17 Hornby Road has been continuously used as a separate dwellinghouse for a period of 10 years prior to the date of this application and the subdivision of 15 and 17 Hornby Road is lawful by virtue of 171(B) of the Town and Country Planning Act 1990.

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

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