|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| RIBBLE VALLEY BOROUGH COUNCIL | | | |  |  |
| Development Department | |  |  |  |  |
| Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA | | |  |  |  |
| Telephone: 01200 425111 | Fax: 01200 414488 |  | Planning Fax: 01200 414497 | |  |
| **Town and Country Planning Act 1990, section 192 as amended by section 10 of the Planning and Compensation Act 1991** | | | | | |
| REFUSAL OF CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT | | | | | |
| **APPLICATION NO:** | 3/2020/0965 | |  |  |  |
| **DECISION DATE:** | 16 December 2020 | |  |  |  |
| **DATE RECEIVED:** | 12/11/2020 | |  |  |  |
|  | | | | | |
| **APPLICANT:** |  |  | **AGENT:** |  |  |
| Mr Brian Makinson  69 Preston Road  Longridge  PR3 3AY | |  | Miss Jessica Tebay  M L Planning Consultancy Ltd  5 Bobbin Mill Cottages  Stubbins Lane  Claughton on Brock  Preston  PR3 0PL | | |
|  |
|  |
|  |
|  |

|  |  |
| --- | --- |
| **PROPOSED USE OR DEVELOPMENT:** Proposed single-storey extension and porch to side. | |
| **AT:** | 69 Preston Road Longridge PR3 3AY |
| Ribble Valley Borough Council hereby give notice that the application for a certificate of lawfulness for the proposed use or development in respect of the above land **has been refused**. The reason(s) for this decision are as follows: | |
|  | [   |  |  | | --- | --- | | 1 | The proposal is not deemed to be Permitted Development by virtue of Class A, Part 1, Schedule 2, sections e) and i) of the Town and Country Planning (General Permitted Development) (England) Order 2015. Accordingly, full planning permission will be required for this particular development. |   ] |
|  |  |
|  |  |
| |  | | --- | | **NICOLA HOPKINS**  **DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING** | | |

|  |
| --- |
|  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Notes** | | | |  |
| 1 | **If your application is refused** | | |  |
|  | If a properly made application is wholly or partly refused, or it is granted in a different form from the application, or is deemed to have been refused (because the authority have not determined the application within the time-limit of eight weeks of receiving the completed application), you can appeal to the Secretary of State. | | | |
| 2 | **Appeals against refusal or failure to give decision on application** | | |  |
|  | Section 195: | | |  |
|  | (1) | Where an application is made to a local planning authority for a certificate under Section 191 or 192 and - | | |
|  |  | (a) | the application is refused or is refused in part, or |  |
|  |  | (b) | the authority do not give notice to the applicant of their decision on the application within such period as may be prescribed by a development order or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the applicant may by notice appeal to the Secretary of State. | |
|  | (2) | On any such appeal, if and so far as the Secretary of State is satisfied - | | |
|  |  | (a) | in the case of an appeal under subsection (1)(a), that the authority's refusal is not well-founded, or | |
|  |  | (b) | in the case of an appeal under subsection (1)(b), that if the authority had refused the application their refusal would not have been well-founded. | |
|  |  | he shall grant the appellant a certificate under Section 191 or, as the case may be, 192 accordingly or, in the case of a refusal in part, modify the certificate granted by the authority on the application. | | |
|  | (3) | If and so far as the Secretary of State is satisfied that the authority's refusal is or, as the case may be, would have been well-founded, he shall dismiss the appeal. | | |
|  | (4) | References in this section to a refusal of an application in part include a modification or substitution of the description in the application of the use, operations or other matter in question. | | |
|  | (5) | For the purposes of the application of Section 288(10)(b) in relation to an appeal in a case within subsection (1)(b) it shall be assumed that the authority decided to refuse the application in question. | | |
|  | (6) | Schedule 6 applies to appeals under this section. | | |
| 3 | The Secretary of State may decide to dismiss an appeal, or allow it (wholly or partly) and grant a certificate. His decision may be challenged in the High Court, by the appellant, *but only on a point of law.* | | | |
| 4 | Appeal forms are obtainable from The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel: 0117 372 6372. By properly completing an appeal form you will help to ensure that your appeal is dealt with quickly. | | | |