


Report to be read in conjunction with the Decision Notice.

Application Ref:	3/2021/0343	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	~	
Officer:	AB	
DELEGATED ITEM FILE REPORT:		APPROVED

Development Description:	Regularisation of an unauthorised conservatory built in 2012 over barn door opening.
Site Address/Location:	Foxfield Alston Lane Alston Longridge Lancashire PR3 3BN

CONSULTATIONS:	Parish/Town Council
N/A	

CONSULTATIONS:	Additional Representations.
N/A	

RELEVANT POLICIES:

The proposal is made under section 191 of the Town and Country Planning Act 1990.

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application property is one of two dwellings created through the conversion of a former agricultural building at Alston Lane, Alston, Longridge. Conversion of the building into two dwellings was first granted planning permission under application 3/1997/0343 and later amended under application 3/1998/0041.

Proposed Development for which consent is sought:

This application seeks confirmation that a conservatory built to the rear of Foxfields, Alston Lane, Alston, Longridge, is lawful.

Guidance on such an application is provided within section 191 of the above Act, noting that *'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, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.'*

A planning application for a single storey garden room extension at Foxfields was approved under ref. 3/2012/0083 on 28 March 2012. The garden room extended across part of the rear elevation of the building. However, it is stated that following completion of the approved works the same builder was instructed to build the conservatory building which is the subject of this application with work completed by the end of 2012. As such, the conservatory building has been present since the end of 2012, a period of approximately eight and a half years. The conservatory extends around 4.4 metres from the rear elevation of the original dwellinghouse.

Observations/Consideration of Matters Raised/Conclusion:

In considering applications such as this, the test of the evidence must be the balance of probability with the onus of proof firmly on the applicant. In such cases the planning merits of the development are not material considerations; in order for a certificate to be granted the planning authority needs to be satisfied that, on the balance of probability, the operational development carried out in, on, over or under land are lawful.

The application seeks confirmation that the erection of a conservatory to the rear of 'Foxfield' is lawful due to the passage of time. Foxfield is one of two dwellings formed from the conversion of a stone-built barn granted approval firstly under planning application 3/1997/0343. As a condition of that grant of consent, householder permitted development rights for extensions and outbuildings were removed. A second application, 3/1998/0041, was approved on 29th May 1998 and amended the earlier consent through the addition of a detached garage. The planning condition removing permitted development rights was not repeated on this permission.

Thereafter, permission 3/1998/0041 was implemented and, owing to the fact that this consent did not explicitly remove householder permitted development rights, it is considered that the dwelling(s) benefit from them.

Construction of the conservatory is operational development which is immune from enforcement action within 4 years of substantial completion as set out in section 171B of the Town and Country Planning Act 1990. Owing to the fact that the conservatory has been present for around 8 ½ years it is considered to be lawful.

Conclusion:

There is no evidence before me to contradict the information provided by the applicant. Taking into account the above, I am satisfied that on the balance of probability, the case for lawfulness has been proven.

RECOMMENDATION:

That the application be approved.