

The Planning Inspectorate

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT APPEAL FORM (Online Version)

Appeal Reference: APP/T2350/X/23/3316392

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name Mrs Verity Evans

Address 77 Mitton Road
Whalley
Clitheroe
Lancashire
BB7 9JN

Phone number

Email

Preferred contact method

Email ☒ Post ☐

B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes ☒ No ☐

Name Mr Peter Hitchen

Company/Group Name Peter Hitchen Architects

Address Marathon House
The Sidings Business Park
Whalley
Lancashire
BB7 9SE

Phone number

Email

Preferred contact method

Email ☒ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority Ribble Valley Borough Council

LPA reference number (if applicable) 3/2022/0451

Date of the application 26/05/2022

Did the LPA issue a decision? Yes ☒ No ☐

Date of LPA's decision 29/07/2022

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes ☒ No ☐

Address
77 Mitton Road
Whalley
Clitheroe
Lancashire
BB7 9JN

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes ☐ No ☒

E. DETAILS OF THE APPEAL

Please give a precise description of the proposed or existing use, operation or activity as outlined in the application in respect of which a certificate is sought.

Original LDC approved for hip to gable conversion. Second LDC application was sought to regularise the window structure post-build.

Select the section under which the application was made:

Section 191 ☐

Section 192 ☒

Section 26H ☐

In the case of a proposal, had it been started before the application to the LPA was made? Yes ☒ No ☐

Please state the actual use of the site at the time of application to the LPA. (if not in use, write "nil" and state last known use).

Master bedroom, study and en-suite bathroom.

Is there an effective enforcement notice on the site? Yes ☐ No ☒

F. REASON FOR THE APPEAL

1. Refused/refused in part to grant a certificate of lawful use or development. ☒

2. Failed to give notice of their decision within the appropriate period on an application for a certificate of lawful use or development. ☐

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations



(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?

Yes

☒ No



(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

Yes

☐ No



2. Hearing



3. Inquiry



H. APPEAL STATEMENT

The statement is set out in

☒ the box below

In June 2019 we submitted an application for an LDC to approve a hip to gable conversion as part of our rear dormer construction. The application we submitted included drawings and details of materials we proposed to use, including the use of grey UPVC windows in the rear facing dormer in order to blend in with the existing roof colour and minimise visual impact. This original LDC application was approved by case officer Rebecca Bowers in August 2019:

<https://webportal.ribblevalley.gov.uk/planningApplication/30926>

Work commenced in May 2020 and was completed in July 2020.

In August 2020 we received a letter to say that RVBC had received an anonymous complaint about the rear dormer windows not being in keeping with the approved LDC. This was reviewed by enforcement officers at RVBC and by Rebecca Bowers and we were advised that because the difference was only marginal and no further action would be taken (see correspondence attached).

In March 2022 another anonymous complaint was received and this time enforcement officer Jason Middleton advised us that in order to protect ourselves from further complaints, and to protect us if we were to sell the property in the future, we should submit a second application for LDC to regularise the development. We decided to follow Council advice and submitted the new LDC application.

In August 2022 we received notice from our architect that the new LDC application has been refused on the grounds that the window colour and shape do not match windows in the existing property.

We are appealing this decision on the grounds that the window colour/material was already approved by RVBC in the original LDC application which clearly stated the intended use of grey UPVC windows in order to blend in with the roof structure; and also on the grounds that we believe the existing property does indeed have window frames that are of a similar shape and size as the new dormer windows.

I. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

☐ No



J. SUPPORTING DOCUMENTS

01. The application made to the LPA.



02. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the



LPA. Please number them clearly and list the numbers here or on a separate sheet.

02. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA. ☒

03. The LPA's decision (if any). ☒

04. All other relevant correspondence with the LPA. ☒

05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☒

06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). ☒

06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application. ☒

K. CHECK SIGN AND DATE

(All supporting documents must be received by us within the 8 week time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature Mr Peter Hitchen

Date 09/02/2023 13:47:48

Name Mr Peter Hitchen

On behalf of Mrs Verity Evans

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

L. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) not previously sent as part of the application to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

M. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@planninginspectorate.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The application made to the LPA.
File name:	22_0451_application_redacted @A4.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	22_0451_Plans @A3.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02.b. Copies of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	A list of all plans.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. The LPA's decision
File name:	3-2022-0451_1102804 Decision - @A4.docx
File name:	3-2022-0451_1102805 Report @A4.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. All other relevant correspondence with the LPA.
File name:	Email correspondence from RVBC.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	19_0572_Location_Plan @A4.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
File name:	19_0572_Approved LDC plan @A3.pdf
File name:	3-2019-0572_996287 Original LDC decision approved @A4.doc
File name:	19_0572_Application_Form @A4.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.b. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.

File name: A list of all plans.docx

Completed by MRS VERITY EVANS

Date 09/02/2023 13:47:48