Appendix 2 – 2017 Certificate of Lawfulness Site Location Plan

# ,nd Registry Jfficial copy of title plan

Title number LAN46267
Ordnance Survey map reference SD7336NE
Scale 1:1250 enlarged from 1:2500
Administrative area Lancashire: Ribble Valley





his official copy issued on 13 February 2007 shows the state of this title plan on 13 February 2007 at 13:2It is9. It is plan shows the general position, not the exact line of the boundaries. It must be stated in the plan shows the general position, not the exact line of the boundaries.

his title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. easurements scaled from this plan may not match measurements between the same points on the ground. See Land egistry Public Guide 7 - Title Plans.

his title is dealt with by Land Registry, Lancashire Office.

Appendix 3 – PCN and Appellant response



# RIBBLE VALLEY BOROUGH COUNCIL

please ask for: Mr Steve Maggs direct line: 01200 413209

e-mail: steve.maggs@ribblevalley.gov.uk

my ref: your ref:

date: 05th October 2022

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Switchboard: 01200 425111

Fax: 01200 414488 www.ribblevalley.gov.uk

Mr J Atherton

RE: PLANNING CONTRAVENTION NOTICE.
LAND AT 4A WISWELL LANE WHALLEY CLITHEROE BB7 9AF

Please find attached a Planning Contravention Notice relating to the above land shown, edged red on the attached plan. A formal response is required within 21 days. A copy has also been served on: Aldermore Bank plc (co.regn.no 947662) of Apex Plaza Forbury Road reading RG1 1AX.

Yours faithfully

Steve Maggs

**Enforcement Officer** 



### IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY



# TOWN AND COUNTRY PLANNING ACT 1990 ("TCPA 1990") PLANNING CONTRAVENTION NOTICE

Served by: The Ribble Valley Borough Council ("the Council").

To: Mr John Stephen Atherton of 4a Wiswell Lane, Whalley, Clitheroe, BB7 9AF and

Aldermore Bank plc (co. regn. no. 947662) of Apex Plaza, Forbury Road, Reading, RG1 1AX

#### 1. PLANNING CONTRAVENTION NOTICE

This is a formal notice served by the Council because it appears that there may have been a breach of planning control, within section 171A (1) of the TCPA 1990, at the land described below. It is served on you as person's who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations, in, on, over, or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3) of the TCPA 1990, so far as you are able, to provide certain information about interest in, and activities on, the land.

#### 2. THE LAND TO WHICH THE NOTICE RELATES

Land at 4a Wiswell Lane, Whalley, Clitheroe, Lancashire, BB7 9AF shown edged red on the attached plan ("the Land").

# 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

The Council considers that there may have been a breach of planning control in respect of the Land in that, without planning permission a single storey building, described as a chalet or a lodge, has been erected on the land in the approximate position shown on the attached plan.

#### 4. WHAT YOU ARE REQUIRED TO DO

You must provide, in writing, information in response to the following questions, so far as you are able to answer them.

4.1 What is your interest in the Land?

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- 4.2 When did you purchase/acquire the Land?
- 4.3 Does any other person have any interest in the Land
- 4.4 If the answer is "Yes" to question 4.3, what are the name(s) and normal address(es) or registered office of any person or company known to you, who has an interest in the Land?

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- 4.5 Have you conducted any engineering works and or development on the Land?
- 4.6 If the answer is "Yes" to 4.5, what engineering works and or development have you carried out on the Land, and when were such works or development carried out?
- 4.7 Did you seek any type of permission to carry out any works or development on the Land?
- 4.8 If the answer is "Yes" to question 4.7 who gave such permission to carry out development and what sort of permission was obtained for the Land?
- Have you constructed or erected a lodge/chalet on the land in the approximate position shown on the attached plan?
- 4.10 If the answer to question 4.9 is "Yes" please advise whether planning permission has been granted by the Council for the erection of the lodge/chalet on the land and, if so, identify the planning reference number for such permissions; if planning permission has not been granted, please explain the basis upon which it is contended that permission from the council is not required or that some other form of permission is applicable in this case.?
- 4.11 If the answer to 4.9 is "Yes", please state the overall outside dimensions and use of the lodge/chalet.
- 4.12 If the answer to 4.9 is "Yes", please state the number of rooms in the lodge/chalet, and the use and internal dimensions of each room.
- 4.13 If the answer to 4.12 is that one or more such rooms are bedrooms, please state the name and age of each person who sleeps in such rooms(s), when they commenced such occupation, and the average number of days in each week when they use such room(s) for sleeping.
- 4.14 If the answer to 4.9 is "Yes", please state whether any person has resided in the lodge/chalet and no longer does so, providing details of their name and age.

- 4.15 If the answer to 4.9 is "Yes", for the avoidance of doubt, state whether anyone uses the lodge/chalet as their principal residence, and, if so, please provide their full name(s) and age(s).
- 4.16 If the answer to 4.9 is "Yes", please state the date of commencement and completion of the construction or erection of the lodge/chalet, and the identity of the person(s) or company who carried out such construction or erection.
- 4.17 If the answer to 4.9 is "Yes", and the erection or construction consisted of assembling a number of sections, please state how many sections were involved in the assembly, including any decking.
- 4.18 If the answer to 4.9 is "Yes", please state how the lodge/chalet is fixed to the ground.
- 4.19 If the answer to 4.9 is "Yes", please state whether any utilities are connected to the lodge/chalet, and for each such utility state the type of utility, the name of the supplier, the date of connection, and the billing address and payer for the relevant bills.
- If the answer to 4.9 is "Yes", please state whether the lodge/chalet has been relocated within the land on any occasion(s) and, if so the date of movement to and from any location, and where on the land the lodge/chalet was moved from and to. Please state the name and age of each occupier of 4a Wiswell Lane, Whalley, Clitheroe, BB7 9AF, and the date upon which they commenced such occupation.
- 4.21 If the answer to 4.9 is "Yes", please state the nature and size of any equipment or plant used in the erection, construction, and relocation of the lodge/chalet.
- 4.22 If the answer to 4.9 is "Yes", please state whether the lodge/chalet was initially transported to the land in assembled form, or in kit form, and the means of transport used to bring the assembled lodge/chalet or kit/materials on to the land.
- 4.23 If the answer to 4.22 is "in kit form", by whom was the lodge/chalet assembled and when?
- 4.24 In addition, please provide any further information you may have, which hasn't been included in your answers above, about:
  - a. the operations being carried out on the Land, the use of the Land and any other activities being carried out on the Land; and
  - b. any matter relating to the conditions or limitations subject to which any planning permission in respect of the Land has been granted.

All of the above **information must be provided within twenty-one days**, beginning with the day on which this notice is served on you.

#### 5. WARNING

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence.

It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.

#### 6. ADDITIONAL INFORMATION

If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the TCPA 1990, requiring the breach, or any injury to amenity caused by it, to be remedied.

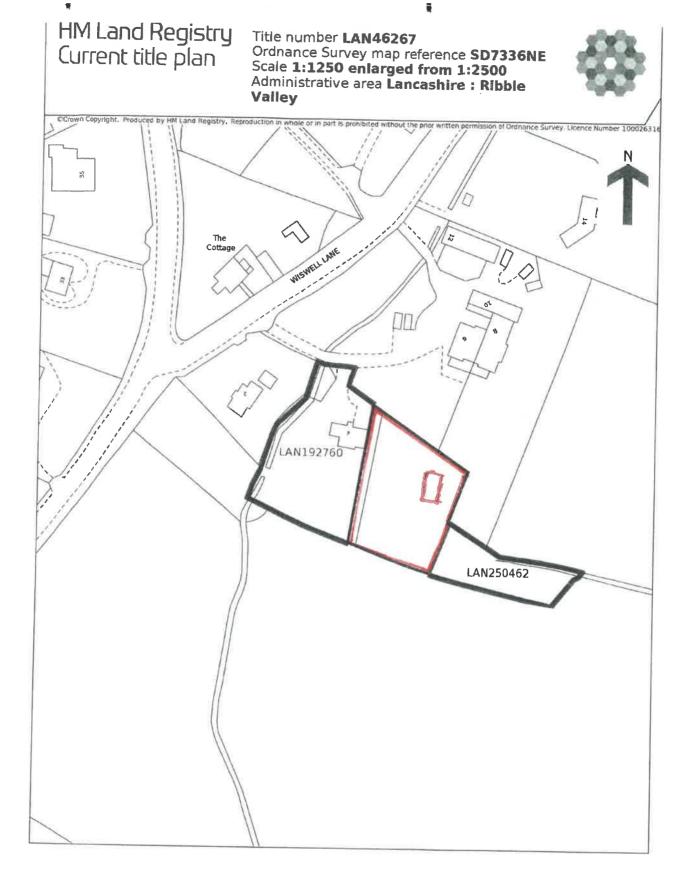
If the Council serve a stop notice, under section 183 of the TCPA 1990, section 186(5)(b) of the TCPA 1990 provides that should you otherwise become entitled to compensation for loss or damage attributable to that notice, under section 186 of the TCPA 1990, no such compensation will be payable in respect of any loss of damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise cooperated with the Council when responding to it.

Dated: 05th October 2022

Signed:

Nicola Hopkins, Director of Planning and Economic Development

On behalf of: Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, BB7 2RA



This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 29 July 2022 at 15:11:44. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Fylde Office.



#### 19th October 2022

Mr. S Maggs **Enforcement Officer** Ribble Valley Borough Council **Council Offices** Church Walk Clitheroe BB7 2RA

Dear Mr. Maggs,

### Re: Land at 4a Wiswell Lane, Whalley BB7 9AF

Thank you for you letter dated 5<sup>th</sup> October 2022, enclosing the Planning Contravention Notice concerning the above property.

In response to the questions raised, I now address them as per your numbered paragraphs:

- 4.1: Owner.
- 2007. 4.2:
- 4.3: No.
- 4.4: N/A.
- No. It is neither operational development (as defined by Section 55(1) of The Town & 4.5: Country Planning Act, 1990) nor a material change of use of land, requiring planning permission (as clarified by Section 52 (2, d) of the same Act.
- N/A. 4.6:
- 4.7: No.
- N/A. 4.8:
- 4.9: Yes.
- The construction and occupation of the chalet is in accordance with the regulations and 4.10: definition of a mobile home, as defined by Section 13 of The Caravan Sites Act, 1968 and Schedule I of The Caravan Sites and Development Act, 1960.
- The overall outside dimensions of the chalet are: 4.11:

Length - 20.0m;

Width - 6.8m;

Overall height – 3.05m, measured from the floor at the lowest level to the ceiling at the highest point.

The chalet comprises: 4.12:

Bedroom 2:

6.2m x 5.2m Kitchen / living area: 3.8m x 2.4m Hallway: 2.9m x 2.4m Bathroom: 2.6m x 2.4m Office: 7.1m x 2.7m Bedroom 1: 4.1m x 2.3m

John Atherton (aged 57) - most nights. **4.13:** Bedroom 1:

Visiting family members: Mollie Atherton (aged 29) and Megan Bedroom 2:

Atherton (aged 28).

- Occupied since October 2021.
- 4.14: N/A.
- 4.15: Used as annex accommodation to the main residence by John Atherton (aged 57) and other family members (as above), plus James Atherton (aged 26) and his fiancée Katie Gaffing (aged 25) the latter two usually sleep in the main residence, but use the annexe as and when they have guests.
- **4.16:** Commencement date: March 2020. Completion date: October 2021.
  - The chalet was constructed by myself and a friend, Ken Norris.
- **4.17:** The chalet is constructed in two sections, is divisible into two and is assembled by means of bolts in compliance with the twin-unit construction, as defined by The Caravan Act, 1968. Two metres of decking were added on completion of the structure.
- 4.18: It rests on concrete plinths.
- **4.19:** Mains electricity, water and sewage are connected via the main residence. Electricity is supplied by North-West Electricity and other services via Utility Warehouse. The bill payer is myself, John Atherton of 4a Wiswell Lane, Whalley BB7 9AF (the main residence). The date of connection was approximately 2007.
- **4.20:** There have been no relocations of the chalet. The occupiers of the property are as above it has been the family home since 2007.
- **4.21:** A mini digger was used for ground preparation; other than that, there was no plant or machinery used.
- **4.22:** The chalet was assembled and constructed on site by hand. Timber was brought on site by the timber supplier's lorry.
- 4.23: N/A.
- **4.24:** The land is used as garden land for all the occupiers of 4a Wiswell Lane. The two structures are used jointly by family members and the chalet is incidental to the use of the main house (shared meals etc).

I have tried to answer all questions as fully as possible. Please let me know if you need further information on any point.

Yours faithfully,

John Atherton

Appendix 4 – 2024 Refusal Decision Notice and Officers Report

#### RIBBLE VALLEY BOROUGH COUNCIL

**Development Department** 

**DECISION DATE:** 

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990

**REFUSAL OF PLANNING PERMISSION** 

**APPLICATION NO:** 3/2024/0851

**DATE RECEIVED:** 31/10/2024

APPLICANT: AGENT:

10 January 2025

Mr John Atherton Mr Edward James 4a Wiswell Lane PWA Planning

Whalley 2 Lockside Office Park

Clitheroe Lockside Road

BB7 9AF Preston
PR2 2YS

**DEVELOPMENT PROPOSED:** Retrospective planning application for the retention of a single

dwelling house and associated parking, soft and hard landscaping

and associated works.

AT: 4a Wiswell Lane Whalley BB7 9AF

Ribble Valley Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission **has been refused** for the carrying out of the above development for the following reason(s):

- The proposal results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy
  insofar that the dwelling, by virtue of its external appearance and site configuration, which
  fails to respond positively the in inherent pattern of development or character of nearby
  dwellings found in the vicinity, results in significant measurable adverse impacts upon the
  character and visual amenities of the area.
- The proposal is considered to conflict with the requirements of Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy insofar that it has not been adequately demonstrated that the existing access and internal access track can accommodate further cumulative vehicular movements without resulting in detriment to the safe operation of the immediate highway.

#### Note(s)

1. Applications for planning permission are assessed against the National Planning Policy Framework and the policies within the Core Strategy for the Ribble Valley. The Local Planning Authority adopts a positive and proactive manner and will consider representations, liaise with consultees, and seek amendments to proposals where appropriate within statutory timescales.

# RIBBLE VALLEY BOROUGH COUNCIL REFUSAL OF PLANNING PERMISSION CONTINUED

APPLICATION NO: 3/2024/0851 DECISION DATE: 10 January 2025

2. The proposal does not comprise sustainable development and there were no amendments to the scheme, or conditions that could reasonably have been imposed, which could have made the development acceptable. It was therefore not possible to approve the application.

This Decision Notice should be read in conjunction with the officer's report which is available to view on the website.

# Nicola Hopkins

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

#### **Notes**

#### **Right of Appeal**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- · If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- · If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- · If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: https://www.gov.uk/appeal-planning-decision . If it is a householder appeal it can be made online at: https://www.gov.uk/appeal-householder-planning-decision . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

#### **Purchase Notices**

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

# Agenda Item 5e

#### RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

#### **REFUSAL**

DATE: 9 JANUARY 2025

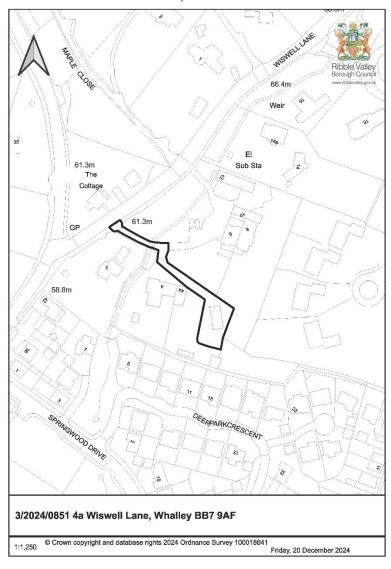
REF: SK CHECKED BY: LH

**APPLICATION REF: 3/2024/0851** 

GRID REF: SD 373644 436723

#### **DEVELOPMENT DESCRIPTION:**

RETROSPECTIVE PLANNING APPLICATION FOR THE RETENTION OF A SINGLE DWELLING HOUSE AND ASSOCIATED PARKING, SOFT AND HARD LANDSCAPING AND ASSOCIATED WORKS. 4A WISWELL LANE, WHALLEY BB7 9AF



#### **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

#### PARISH COUNCIL:

No representations received in respect of the proposal.

#### **LOCAL HIGHWAYS AUTHORITY (LANCASHIRE COUNTY COUNCIL HIGHWAYS):**

The Local Highways Authority have raised concerns regarding the proposal stating the following:

#### Summary:

Lancashire County Council acting as the Local Highway Authority raises concerns over the proposed development as it will result in an increase to the traffic flow at the access point to the site off Wiswell Lane.

#### Site Access:

The proposal will utilise an existing private access track which leads onto Wiswell Lane, which is an unclassified road subject to a 30mph speed limit. The access onto Wiswell Lane is approximately 3.5m wide and onsite observations noted that the access has a limited visibility splay due to the existing boundary walls which appear to be over 1m tall and vegetation situated at either side of the access.

In 2018 in response to planning applicant 3/2018/1017, which proposed to increase the number of dwellings within the land of 4A Wiswell Lane from one dwelling to 3 the local highway authority raised concerns over the intensification of the use of a substandard access.

Since 2018, planning permission was granted for one additional dwelling on the site under application 3/2020/0006. However, this did not address the concerns previously raised regarding the intensification of the use of the access.

The current proposal will result in 3 separate dwellings on the wider site, 4A, the dwelling approved under application 3/2020/0006 and the retention of the proposal. Increasing the number of dwellings using the access onto Wiswell Lane. There are also 6 existing dwellings which currently use the private access track to access Wiswell Lane. With the proposal, there would be a total of 9 dwellings using the private access track which is also limited in width and does not support two-way movement, along with the access which does not meet current standards.

Whilst there are two access's for the private access track, the one closest to 4A Wiswell is the most preferred access to use due to its positioning and width in comparison to the other access. On-site observations did not note any formalised one-way system on the private access track.

In line with the LHA's guidance the access onto Wiswell Lane should be at least 5.5m wide for at least 5m into the site to accommodate safe and efficient two-way traffic flow for residents and emergency vehicles. However, the access from Wiswell Lane is considerably narrower than this required width and therefore is substandard. The LHA are aware that the access falls within thirdparty ownership which precludes any potential improvements to the access. There is also a concern that the access's visibility is unlikely to meet current standards.

#### Internal Layout:

The LHA has reviewed drawing number 6180 P01 titled Proposed Site Plan and are aware that the dwelling complies with the LHAs parking standards as defined in the Joint Lancashire Structure Plan. Supplementary to this a swept path analysis has been included within the Highway Technical Note (Appendix A) provided by the applicant showing that vehicle can turn within the site. While this option is technically possible, implementing it successfully in practice may be

challenging due to the limited space available within the parking area. Given the limited width of the private access track and the nature of the access onto Wiswell Lane entering and exiting the site in forward gear is essential.

#### Conclusion:

While the proposal intends to utilise the existing access onto Wiswell Lane, it presents challenges due to the substandard width and limited visibility. Historical concerns raised by the local highway authority regarding the intensification of use have not been fully addressed. The addition of further dwellings exacerbates these issues. Although the internal layout complies with parking standards and demonstrates vehicle manoeuvrability within the site, the practical implementation remains challenging given the limited space and the critical necessity for vehicles to enter and exit in forward gear. Comprehensive improvements to the access are constrained by third-party ownership, further consideration to meet the Local Highway Authority's guidance and ensure safe and efficient traffic flow for all residents would be beneficial.

#### ADDITIONAL REPRESENTATIONS:

One letter of representation has been received in support of the application. With the representation further stating that the Highways Technical Report contains errors and fails to mention all the houses which use the access road, namely 4, 4a, 4b, 6, and 8 Wiswell Lane (5 houses).

#### 1. <u>Introduction, Site Description and Surrounding Area</u>

- 1.1 The application is being brought to Committee as the applicant is a local councillor.
- 1.2 The application relates to a single storey timber-clad dwelling that has been erected to the east of 4A Wiswell lane without the benefit of planning permission. The site area previously formed part of the residential curtilage of 4A Wiswell Lane, with the site being bounded on all sides by residential built-form and associated garden areas. The site is accessed off Wiswell Lane by way of a private access track that currently serves a number of other residential properties.

#### 2. Proposed Development for which consent is sought

- 2.1 The application seeks retrospective consent for the erection of a single storey timber-clad twobedroom dwelling with associated car-parking area and associated residential curtilage.
- 2.2 The dwelling has been erected on land that the applicant claims form part of the former residential curtilage of 4A Wiswell Lane that was subsequently physically subdivided for 4A by virtue of the installation of an access track to serve a proposed development located to the southeast.

#### 3. Relevant Planning History

2023/0180: Erection of single storey dwelling with solar panels on the roof and air source heat system together with landscaped (patio) areas (amendments to planning permission 3/2021/0991). (Refused)

2022/0992: Non Material Amendment of 3/2021/0991. Proposed increase in size of the study, still within the overall footprint of the site. Remove skylight in the lounge and replace with obscure window. (refused)

2021/1250: Discharge of Condition 4 (Landscaping) and 7 (Construction Management Plan) of planning application 3/2021/0991. (Approved)

2021/0991: Revisions to the proposed single storey dwelling of the previously approved application (3/2020/0006), amendments include roof overhang to south facing terrace/walkway and west facing patio. Internal reconfigurations, inclusion of study, amendment to entrance lobby, additional rooflight to living room, solar panels located on the roof and inclusion of air source heat recovery system. The application boundary has been revised to exclude the existing bungalow. The proposal also includes the construction of one double garage. (Approved)

#### 4. Relevant Policies

#### **Ribble Valley Core Strategy**

Key Statement DS1: Development Strategy Key Statement DS2: Sustainable Development

Key Statement EN3: Sustainable Development and Climate Change

Key Statement EN4: Biodiversity and Geodiversity Key Statement DMI2: Transport Considerations

Policy DMG1: General Considerations Policy DMG2: Strategic Considerations Policy DMG3: Transport & Mobility

Policy DME1: Protecting Trees & Woodland

Policy DME2: Landscape & Townscape Protection

Policy DME3: Site and Species Protection and Conservation

Policy DME5: Renewable Energy Policy DME6: Water Management

National Planning Policy Framework (NPPF)

#### 5. Assessment of Proposed Development

#### 5.1 Principle of Development:

- 5.1.1 The site to which the application relates is located within the defined settlement limits of Whalley (Principal Settlement) being located within a predominantly residential area.
- 5.1.2 In relation to matters regarding the locational and spatial aspirations for new residential housing growth within the borough, both Key Statement DS1 and Policy DMG2 are primarily engaged for assessing the acceptability/suitability of the principle of residential development in this location. In this respect, with regards to the creation of new residential planning units within principal and Tier 1 settlements, Policy DMG2 (Strategic Considerations) states that:

Development should be in accordance with the core strategy development strategy and should support the spatial vision:

Development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the tier 1 villages should consolidate, expand or round-off development so that

it is closely related to the main built-up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.

- 5.1.3 In respect of the above policy criterion, the application site is located wholly within the defined settlement limits of Whalley (Principal Settlement). As such, the principle of the redevelopment of the site for residential purposes would fully align with the inherent criterion of Policy DMG2(1), particularly insofar that it is located within defined settlement limits and would represent development that it is closely related to the main built-up area of the settlement to which it relates.
- 5.1.4 As such and taking account of the above matters, it is not considered that the principle of the redevelopment of the site for residential purposes, notwithstanding other development management considerations, would result in any significant measurable adverse conflict with Policy DMG2 of the Ribble Valley Core Strategy in relation to the locational and spatial aspirations for new housing growth within the borough.

#### 5.2 Impact upon Residential Amenity:

- 5.2.1 Given the dwelling is located within close proximity of other nearby residential reception, consideration must be given in respect of the potential for the proposal to result in undue impacts upon the residential amenities of nearby residential occupiers.
- 5.2.2 Taking account of the orientation of the dwelling, its relationship with nearby affected residential receptors and the orientation of habitable rooms windows it is not considered that the proposal will result in any measurable adverse impacts upon residential amenities by virtue of a loss of light, overbearing impact nor loss of privacy by direct over-looking.
- 5.2.3 As such, and taking account of the above matters, the proposal does not raise any significant direct conflicts with Policy DMG1 which seeks to ensure of adequate standards of residential amenity and protect against development(s) that would result in measurable detrimental impact(s) upon nearby existing residential amenities.

#### 5.3 Visual Amenity/External Appearance

- 5.3.1 The dwelling that has been erected in single-storey in nature, being clad in timber and benefitting from a proprietary metal-clad roof of a corrugated appearance. A decked area has been constructed which interfaces with the southern elevation of the building. The dwelling benefits from quad-fold and bi-fold doors to the south and southwest elevation respectively.
- 5.3.2 The dwelling, by virtue of its siting and proximity to nearby built-form, results in a cramped form of development that fails to respond positively to the inherent pattern of development that is typical to the character of the area.
- 5.3.3 In respect of the external appearance of the dwelling, the timber-clad nature of the proposal along with its siting and external appearance fails to respond positively to the character or elevational language of the dwellings of which it is read in context with, resulting in the building appearing both incongruous and anomalous being at significant visual odds with nearby built-form.

5.3.4 As such and taking account of the above, it is considered that the proposal results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy. Particularly insofar that the dwelling, by virtue of its external appearance and site configuration, which fails to respond positively the in inherent pattern of development or character of nearby dwellings found in the vicinity, results in significant measurable adverse impacts upon the character and visual amenities of the area.

#### 5.4 Landscape and Ecology:

- 5.4.1 Given the application is retrospective in nature with all operational development having been carried out, no assessment can be made in respect of the potential impacts upon habitat, trees nor species of conservation concerns, with no requirement for the applicant to provide mitigation in these respects.
- 5.4.2 As such and taking account of the above, the proposal does not raise any significant measurable conflict(s) with Policies DME1, DME2 nor DME3 of the Ribble Valley Core Strategy which seek to protect against adverse impacts upon habitat, biodiversity, ecology or protected species and species of conservation concern.

#### 5.5 Highway Safety and Accessibility:

- 5.5.1 The Local Highways Authority (LHA) have raised concerns in respect of the suitability of the existing access and its ability to accommodate further cumulative vehicular movements concluding that:
- While the proposal intends to utilise the existing access onto Wiswell Lane, it presents challenges due to the substandard width and limited visibility. Historical concerns raised by the local highway authority regarding the intensification of use have not been fully addressed.
- The addition of further dwellings exacerbates these issues. Although the internal layout complies with parking standards and demonstrates vehicle manoeuvrability within the site, the practical implementation remains challenging given the limited space and the critical necessity for vehicles to enter and exit in forward gear. Comprehensive improvements to the access are constrained by third-party ownership, further consideration to meet the Local Highway Authority's guidance and ensure safe and efficient traffic flow for all residents would be beneficial.
- 5.5.2 Taking account of the above, the proposal is considered to conflict with the requirements of Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy insofar that it has not been adequately demonstrated that the existing access and internal access track can accommodate further cumulative vehicular movements without resulting in detriment to the safe operation of the immediate highway.

#### 6. Observations/Consideration of Matters Raised/Conclusion

6.1 For the reasons outlined above, the application is recommended for refusal insofar that the proposal result in an adverse impacts upon the character and visual amenities of the area. Particularly by virtue of the creation of a discordant and anomalous pattern of development. Furthermore the development would intensify use of an existing unsafe access onto Wiswell Lane.

RECOMMENDATION: That the application be REFUSED for the following reasons:

- 1. The proposal results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that the dwelling, by virtue of its external appearance and site configuration, which fails to respond positively the in inherent pattern of development or character of nearby dwellings found in the vicinity, results in significant measurable adverse impacts upon the character and visual amenities of the area.
- The proposal is considered to conflict with the requirements of Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy insofar that it has not been adequately demonstrated that the existing access and internal access track can accommodate further cumulative vehicular movements without resulting in detriment to the safe operation of the immediate highway.

BACKGROUND PAPERS

Planning Application - Ribble Valley Borough Council

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Appendix 5 – LDC Refusal Decision Notice and Officers Report

#### RIBBLE VALLEY BOROUGH COUNCIL

**Development Department** 

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990, section 191 as amended by section 10 of the Planning and Compensation Act 1991

REFUSAL OF CERTIFICATE OF LAWFULNESS FOR AN EXISTING DEVELOPMENT

**APPLICATION NO:** 3/2025/0074 **DECISION DATE:** 26 March 2025 **DATE RECEIVED:** 30/01/2025

APPLICANT: AGENT:

Mr John Atherton Mr Edward James Land adjacent to 4a Wiswell Lane PWA Planning

Whalley 2 Lockside Office Park

Clitheroe Lockside Road BB7 9AF Preston

PR2 2YS

**EXISTING USE OR ACTIVITY:** Certificate of lawfulness for existing dwellinghouse and associated curtilage (garden, driveway and areas of hardstanding).

AT: Land adjacent to 4a Wiswell Lane Whalley BB7 9AF

Ribble Valley Borough Council hereby give notice that the application for a certificate of lawfulness for the existing use or activity in respect of the above land **has been refused**. The reason(s) for this decision are as follows:

- On the basis of the evidence provided and conflicting information and evidence having being received by
  the authority, it is not considered that it has been adequately demonstrated that the building operations
  subject to this application were in place and substantially complete for a period greater than 4 years predating the receipt of the application and as such cannot be considered lawful by virtue of 171(B) of the
  Town and Country Planning Act 1990.
- 2. Taking account of the cumulative level of physical and functional change resultant from the works undertaken, insofar that they significantly alter and affect the character of the activity on the application site, which was in an incidental use to an existing residential property (4a Wiswell Lane) prior to the building operations taking place, it is considered that a material change of use in the land has occurred. In this respect the use of the building as a dwelling cannot be consider lawful given the material change in the use of the land did not occur greater than 10 years pre-dating the receipt of the application and as such cannot be considered lawful by virtue of section (3) of 171(B) of the Town and Country Planning Act 1990



NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

# RIBBLE VALLEY BOROUGH COUNCIL REFUSAL OF CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR ACTIVITY IN BREACH OF PLANNING CONDITION

**APPLICATION NO: 3/2025/0074 DECISION DATE:** 26/03/2025

#### Note(s)

1. This Decision Notice should be read in conjunction with the officer's report which is available to view on the website.

#### **Right of Appeal**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- · If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- · If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- · If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <a href="https://www.gov.uk/appeal-planning-decision">https://www.gov.uk/appeal-householder-planning-decision</a>. If it it is a householder appeal it can be made online at: <a href="https://www.gov.uk/appeal-householder-planning-decision">https://www.gov.uk/appeal-householder-planning-decision</a>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

#### **Purchase Notices**

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Report to be read in conjunction with the Decision Notice.									
Signed:	Officer:	SK	Date:	26.3.25	Manager:	LH	Date:	26/3/25	

Application Ref:	2025/00	2025/0074			Ribble Valley	
Date Inspected:	N/A	Site Notice:	N/A		Borough Council	
Officer: SK				www.ribblevalley.gov.uk		
DELEGATED ITEM FILE REPORT:					REFUSAL	

Development Description:	Certificate of lawfulness for existing dwellinghouse and associated curtilage (garden, driveway and areas of hardstanding).
Site Address/Location:	Land adjacent to 4a Wiswell Lane Whalley BB7 9AF

CONSULTATIONS: Parish/Town Council

Whalley Parish Council have objected to the proposal raising the following observations:

Whalley Parish Council formally objects to the Certificate of Lawfulness for the existing dwellinghouse and associated curtilage at Land adjacent to 4a Wiswell Lane, Whalley (BB7 9AF).

We urge the Planning Department to require a formal planning application rather than granting a Certificate of Lawfulness. The failure to follow the full planning process sets a concerning precedent, potentially encouraging unauthorised developments to bypass proper scrutiny.

A formal planning application is essential to ensure that this development complies with local planning policies and regulations. It would also allow for proper assessment of its impact on the surrounding area, adherence to planning conditions, and any potential breaches of planning permission.

Approving a Certificate of Lawfulness in this instance could undermines the integrity of the planning system and weakens enforcement in future cases. Given these concerns, Whalley Parish Council urges the Planning Authority to refuse the certificate and instead require a full planning application for proper evaluation.

CONSULTATIONS:	Highways/Water Authority/Other Bodies				
N/A					
N/A					
CONSULTATIONS:	Additional Representations.				
No representations received in respect of the application.					

#### **RELEVANT PLANNING POLICIES / LEGISLATION:**

- Town and Country Planning Act 1990 Section 191-193
- Planning and Compensation Act 1991 Section 171B Time limits
- National Planning Practice Guidance: Lawful Development Certificates

NB The amendments to enforcement powers introduced in the Levelling Up and Regeneration Act 2023 are not applicable in this case as the applicant is claiming that the operational development was "substantially completed" on or after 25 April 2024.

#### **Relevant Planning History:**

#### 3/2024/0851:

Retrospective planning application for the retention of a single dwelling house and associated parking, soft and hard landscaping and associated works. (Refused)

#### 3/2023/0180:

Erection of single storey dwelling with solar panels on the roof and air source heat system together with landscaped (patio) areas (amendments to planning permission 3/2021/0991). (Refused)

#### **ASSESSMENT OF PROPOSED DEVELOPMENT:**

#### **Site Description and Surrounding Area:**

The building to which the application relates is a single storey timber-clad two-bedroom dwelling with associated car-parking area and associated residential curtilage. The dwelling has been erected on land that the applicant claims formed part of the former residential curtilage of 4A Wiswell Lane that was subsequently physically subdivided for 4A by virtue of the installation of an access track to serve a proposed development located to the southeast.

#### Proposed Development for which consent is sought:

The application seeks to establish under Section 171(B) of the Planning and Compensation Act 1991 that the erection of a 'dwellinghouse and associated curtilage (garden, driveway and areas of hardstanding)' undertaken were substantially complete more than four years from the date of the application and as such would be deemed lawful, benefitting from immunity from subsequent planning enforcement action.

#### **Assessment of Proposal:**

The application seeks to establish that building operations/works carried for the construction of a new building are lawful having regard to Section 171(B) of the Planning and Compensation Act 1991. Section 171(B) of The Act provides timescales whereby unauthorised development becomes immune from enforcement action and as such becomes lawful as follows:

- 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.
- 4. The preceding subsections do not prevent—
  - A. the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

B. taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

#### **Building Operations:**

Taking account of the above, given the breach of planning controls relates to 'building operations' having been undertaken, it is considered that Section 171(B)(1) of The Act is engaged, as such the period whereby the operational development would become immune from enforcement action is four years. With the works, to be deemed as being lawful, would have to be in place for four years or more on or before the date of this application (30/01/2025) and beginning with the date on which the operations were substantially completed.

The applicant, within their supporting information states that the 'dwelling' was substantially complete 'by the end of December 2020' with the applicant having occupied the property 'by the end of February 2021'.

However, in relation to an outstanding enforcement investigation relating to the structure, the applicant, in responding to a Planning Contravention Notice, has previously responded as follows:

#### PCN 4:13:

If the answer to 4.12 is that one or more such rooms are bedrooms, please state the name and age of each person who sleeps in such rooms(s), when they commenced such occupation, and the average number of days in each week when they use such room(s) for sleeping.

**Applicant Response:** Occupied Since October 2021

#### **PCN 4.15:**

If the answer to 4.9 is "Yes", for the avoidance of doubt, state whether anyone uses the lodge/chalet as their principal residence, and, if so, please provide their full name(s) and age(s).

**Applicant Response:** Used as annexe accommodation to main residence.

#### PCN 4.16:

If the answer to 4.9 is "Yes", please state the date of commencement and completion of the construction or erection of the lodge/chalet, and the identity of the person(s) or company who carried out such construction or erection.

**Applicant Response:** Commencement Date: March 2020

Completion Date: October 2021

Further information has subsequently been received from the agent acting on behalf of the applicant (email 24/03/25) to address the above inconsistencies which states the following:

'I have now had a chance to speak to the applicant regarding the October 2021 completion date included within the PCN response in October 2022.

Whilst it is not disputed that this date was included within the response, the October 2021 date refers to the month when his son moved into the main house (following the sale of his own house) and the applicant moved into the development on a permanent basis. This is confirmed in response to question 4.13 of the PCN.

Before this (between January 2021 – October 2021) there was an ad-hoc period where the applicant was moving things over and living between buildings'

It is worth nothing that the Application Form submitted by the same applicant for planning application ref 3/2024/0851 stated the work/change of use had begun on 15.3.20 and was completed on 30.6.20.

Furthermore the Council has photographs of the building without all of the cladding, windows and doors installed 'by the end of December 2020' that suggest it was not substantially complete by this date.

Taking account of the above, there are clear inconsistencies between the information submitted in support of the application, the subsequent email (received 24/0325), the written declaration received in response to the Planning Contravention Notice and the Council's own evidence, both in terms of timescales and the intended use/first occupation of the structure. This can be summarised as follows:

TIMELINE	LPA EVIDENCE	PCN RESPONSE (19 <sup>TH</sup> OCTOBER 2022)	APPLICATION FORM 3/2024/0851 (11/10/2024)	EMAIL FROM AGENT (24 <sup>th</sup> MARCH 2025)	PLANNING STATEMENT (JANUARY 2025)
COMMENCEMENT	Х	March 2020: Commencement Date	15/03/2020	Х	Х
STRUCTURE ON SITE:	Nov 2020: No windows 24 Feb 2021: Windows installed	Х		Х	June 2020: First parts of structure erected
SUBSTANTIALLY COMPLETE:	24 Feb 2021: Windows installed therefore not before this date	October 2021: Completion	30/06/2020 Completed	Х	December 2020: Complete
OCCUPATION:	х	October 2021: Occupied as Annexe		October 2021: Permanent occupation commenced (occupied as ad- hoc annexe since January 2021)	February 2021: Occupation as Permanent dwelling commenced

Taking account of the above and taking account of the chronology and balance of evidence provided, including conflicting information and timescales, it is considered that the building operations subject to this application, namely the building and associated decking, were not in place and substantially complete for a period greater than 4 years pre-dating the receipt of the application and as such they cannot be considered lawful by virtue of section (1) of 171(B) of the Town and Country Planning Act 1990.

#### **Change of Use of Land:**

Having regard to Welwyn Hatfield Council v SSCLG [2011] UKSC 15 2 AC 304, as the building was erected and subsequently occupied from the start as a dwelling, then it is necessary to consider whether a material change in the use of the land for residential purposes has occurred which arises from the erected building being used as a dwelling.

Section 55 of the Town and Country Planning Act 1990 states that:

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land:

(f)in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the

provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class'.

It is recognised that the entirety of the planning unit identified in this application was utilised for the purposes of C3 residential occupation, with the garden area being utilised incidental to the enjoyment of the original primary dwellinghouse, save for the access serving the primary dwellinghouse and other neighbouring properties. The siting of the structure as a 'dwellinghouse' continues that C3 use, albeit resulting in the creation of an independent residential planning unit.

Whilst this has not resulted in the use of the land changing 'within a class', there is no statutory definition of 'material change of use' -however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and is determined on the individual merits of each case.

In respect of this matter, the works undertaken to the land, including the siting of a building and the resultant site configuration consists of the following:

- Erection of building with new independent residential use unrelated to any existing dwelling
- Creation of new car-parking areas associated with the building
- Creation of associated hardstanding and decking
- Use of separate parcel of land as an independent residential curtilage with associated domestic paraphernalia
- Creation of 'Pond' associated with the building

It is further worthy to note that the footprint of the building that has been sited on the land is also significantly larger than that of the footprint of the original primary dwelling to which the structure was originally claimed to be 'ancillary to'. Taking this into account and taking account of the cumulative level of physical and functional change that has occurred, it is considered that the character of the land has significantly and materially changed resulting in a material change of use.

As such it is not considered that its use as a dwelling can be considered lawful nor benefit from immunity from enforcement action given the material change in the use of the land did not occur greater than 10 years pre-dating the receipt of the application and as such they cannot be considered lawful by virtue of section (3) of 171(B) of the Town and Country Planning Act 1990

#### **Potential Concealment:**

The applicant, within their supporting information, has stated that the timeframes for substantial completion and subsequent permanent occupation as a 'dwellinghouse' are as follows:

- December 2020: Substantial completion of building
- February 2021: Applicant commenced permanent occupation of the building

However, in response to a Planning Contravention Notice issued by the authority, the applicant has stated that the timeframes for substantial completion and the nature of the initial occupation are as follows:

- October 2021: Substantial completion of building
- October 2021: Building occupied as 'annexe accommodation' to the 'main residence'.

Taking account of the above discrepancies, it is clear that the building operations relating to the structure would benefit from enforcement immunity should the timescales within the supporting information associated with the applicant be correct. However, should the timescales for 'substantial completion' as contained within the response to the Planning Contravention Notice be correct, the building would not benefit from enforcement immunity. Particularly insofar that the building operations subject to this

application were not in place and substantially complete for a period greater than 4 years pre-dating the receipt of the application. It is further worthy of noting that the applicant originally claimed that the structure was occupied as 'annexe accommodation' to the 'main residence' and was not occupied as a independent single dwellinghouse.

Taking account of the above, there are clear identified inconsistencies in information having been submitted by the applicant, not only in relation to timescales for substantial completion and occupation but also in relation to the nature of the occupation itself.

As such the authority considers that the building could not benefit from immunity from enforcement action when taking account of the 'Welwyn Principle' insofar that where there is evidence of clear 'positive deception' or intentional factual omission immunity from enforcement action cannot be afforded pursuant to Section 171(B) of the Town & Country Planning Act.

#### **Observations/Consideration of Matters Raised/Conclusion:**

As such, for the above reasons and having regard to all material considerations and matters raised that the application for the Certificate of Lawfulness for an 'existing dwellinghouse and associated curtilage (garden, driveway and areas of hardstanding)' is recommended for refusal.

#### **RECOMMENDATION:**

That the granting of a Certificate of Lawfulness be refused for the following reasons:

- On the basis of the evidence provided and conflicting information and evidence having being received by the authority, it is not considered that it has been adequately demonstrated that the building operations subject to this application were in place and substantially complete for a period greater than 4 years pre-dating the receipt of the application and as such cannot be considered lawful by virtue of 171(B) of the Town and Country Planning Act 1990.
- Taking account of the cumulative level of physical and functional change resultant from the works undertaken, insofar that they significantly alter and affect the character of the activity on the application site, which was in an incidental use to an existing residential property (4a Wiswell Lane) prior to the building operations taking place, it is considered that a material change of use in the land has occurred. In this respect the use of the building as a dwelling cannot be consider lawful given the material change in the use of the land did not occur greater than 10 years predating the receipt of the application and as such cannot be considered lawful by virtue of section (3) of 171(B) of the Town and Country Planning Act 1990

Appendix 6 – 2020 Enforcement Letters



## RIBBLE VALLEY BOROUGH COUNCIL

please ask for: Mr A Glover direct line: 01200 413209

e-mail: andy.glover@ribblevalley.gov.uk

my ref: vour ref:

date: 16 July 2020

Council Offices Church Walk CLITHEROE

Lancashire BB7 2RA

Switchboard: 01200 425111 Fax: 01200 414488 www.ribblevalley.gov.uk

Dear Mr Atherton

ALLEGED BREACH OF PLANNING CONTROL RE: 4a WISWELL LANE, WHALLEY BB7 9AF

I am writing to you as the owner of the property at 4a Wiswell Lane, Whalley.

A number of confidential complaints have been received stating that a breach of planning control may have occurred at the above address. For ease of reference these are itemised below:

### 1) Alleged incorrect positioning of the property

I am aware of planning consent 3/2020/0006, which grants approval for the extension / erection of a new single storey dwelling. Condition 2 of this consent states that the development at the site must be carried out in accordance with approved plans, including site plan 58.19 03 (copy attached). It is alleged that the new single storey dwelling is not built in the approved position but has been rotated through 45 degrees, and as a result the sight lines have a negative impact on properties in the vicinity.

### 2) Alleged non-compliance with proposed elevations

Condition 2 above also approves elevations as set out in 58.19-07 (copy attached). It is alleged that the actual installation of windows differs from the arrangement set out in the approved plan.

### 3) Alleged new structure without planning approval

It is alleged that a new structure (erected around a hooped frame) is under construction, without this being identified in consent 3/2020/0006.

Mr J Atherton 4a Wiswell Lane Whalley Lancs BB7 9AF Finally, the Council has received a query asking how long you would intend to retain the caravan on site as the development activity progresses. It is noted that planning consent 3/2020/0006 grants approval for development which is intended to "replace existing residential caravan", and it would be helpful if the Council could be made aware of your thinking in this regard.

The Council is carrying out preliminary investigations into this matter and will consider what, if any, action to take. I would be grateful if you could please call me directly on 01200 413209 or write to me within seven days at the above address. If during the course of our conversation or correspondence, it becomes clear that a breach of planning control has taken place, the Council will consider enforcement action, which may result in a prosecution.

If you feel that no breach has been committed by you, it is in everyone's interests that this is established as soon as possible. Even if a breach has been committed it is possible that this could be remedied without recourse to the Courts.

If it would help to establish the true position, I am of course willing to visit the site in your presence and view the development first-hand. The purpose of this visit would be to identify the precise location of the new property and assess whether any issues of non-compliance are identified; confirm whether any additional planning consents may be needed; and to discuss next steps. Please note that any such visit would need to comply with social distancing arrangements.

The Council's officers have to do what they can to establish the facts. They would be grateful for your cooperation in this regard.

Yours sincerely

Andy Glover

Enforcement Officer (Part Time)

A glover



# RIBBLE VALLEY BOROUGH COUNCIL

please ask for: Mr A Glover direct line: 01200 413209

e-mail: andy.glover@ribblevalley.gov.uk

my ref: vour ref:

date: 24 July 2020

Dear Mr Atherton

Council Offices Church Walk CLITHEROE Lancashire BB7 2RA

Switchboard: 01200 425111

Fax: 01200 414488 www.ribblevalley.gov.uk

# ALLEGED BREACH OF PLANNING CONTROL RE: 4a WISWELL LANE, WHALLEY BB7 9AF

As you will recall, I wrote to you on 16 July 2020 in relation to alleged breaches of planning control at the above address. The concerns as then understood related to possible non-compliance with planning consent 3/2020/0006, although my site visit on 22 July established a different scenario; it was established that a "mobile home" was in the process of construction (intended as an annexe to the existing residential property). It was agreed that I would take advice on the matter from a senior Planning colleague and come back to you with an indication of the Council's stance.

In relation to the mobile home, I note your comments that the structure meets the definition of a mobile home as defined in regulations. Specifically, you indicated that the regulatory definition required a mobile home to meet certain criteria:

- it should fall within certain dimensions (20m x 6m x 3m in height, floor to ceiling);
- it should be assembled in two parts which were bolted together to form a single unit; and
- it should be capable of being relocated.

During the visit, the structure was measured at  $18.9 \,\mathrm{m} \times 6.58 \,\mathrm{m} \times 2.4 \,\mathrm{m}$  in height (floor to ceiling), ie it did indeed approximately fall within the specified dimensions. It was also assembled in two parts which you confirmed would be bolted together. However, the issue of whether the mobile home can be moved is rather more contentious.

Discussions with my Planning colleagues have confirmed that the definition of a mobile home is relevant only for the purposes of site licences which relate to commercial mobile home establishments, and do not apply to structures located solely in a residential setting. In terms of whether planning consent is required, it is therefore necessary to apply general principles and consider the following issues:

Mr J Atherton 4a Wiswell Lane Whalley Lancs BB7 9AF

## a) Does Permitted Development apply?

Under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the structure would be considered an outbuilding. To fall within Permitted Development, an outbuilding which is within 2m of boundary of the curtilage of a dwelling house must not exceed 2.5m in height (or 3m in any other case). It is likely that the height of the structure (including the height to the apex) will exceed these approved dimensions and therefore Permitted Development will not apply.

## b) Is the structure permanent / immoveable?

I am advised that, from a Planning perspective, the sheer size of the structure will render it permanent and immoveable. It would not be practical for a crane of an appropriate size to access the site and physically relocate the structure on a regular basis. (I am aware of your view that the practicalities of movement are irrelevant, but again this approach would be restricted to mobile homes in scenarios covered by the regulations, ie in situations relating to residential sites).

I must therefore advise that an application for planning consent to retain the structure should be submitted to the Local Planning Authority. You can apply to Ribble Valley Borough Council for planning consent by contacting the Council's Planning Department (reception telephone 01200 414499). Alternatively, it is possible to apply online for planning permission, or access a wealth of helpful information, via the Planning Portal. This can be found at:

### https://www.planningportal.co.uk/applications

The application must provide sufficient information for the Council to decide the application; otherwise it may be refused. Often the issues involved in applications are complex and you may feel that you would benefit by obtaining professional advice. You may therefore wish to engage a Planning Consultant to assist with this process on your behalf.

Alternatively, should you disagree with the views expressed in this letter and wish to retain the structure, you could seek official clarification of the position by applying for a Lawful Development Certificate (LDC) under the Town and Country Planning Act 1990 (section 191 as amended by section 10 of the Planning and Compensation Act 1991). The Council cannot require you to apply for a LDC but this proposal would represent a means of ensuring that the existing use of the mobile home is lawful for planning purposes or that your use does not require planning permission.

Please note that (i) a fee is payable to apply for any application and (ii) each application is a matter for the Planning department to determine on its individual merit, so I can give no assurance at this stage about the outcome of a particular application.

I must request that you contact me within 2 weeks of the date of receipt of this letter to let me know your intentions in relation to this matter.

The other matter discussed during my visit was that of the polytunnel. Again, this matter has been considered by senior Planners and I can confirm that the Council is not proposing to take any further action with regard to the polytunnel.

I would like to thank you for your willingness to meet me on site and engage with the Council on this matter. I look forward to receiving your further comments in due course.

Yours sincerely

A glover
Andy Glover

Enforcement Officer (Part Time)

4 .-

Appendix 7 – Emails of Planning App requirement

### **John Atherton**

From:

Andy Glover (Andy.Glover@ribblevalley.gov.uk) < Andy.Glover@ribblevalley.gov.uk>

Sent:

19 August 2020 12:23

To:

John Atherton

**Subject:** 

RE: 4a Wiswell Lane, Whalley

#### Dear Mr Atherton

Thank you for your detailed response, the contents of which are noted. I have now had the opportunity to raise your comments with a senior Planning colleague in the Council; unfortunately I am writing to advise that, after due consideration, the Council's view remains the same and an application for planning consent is indeed required. In the Council's opinion, the structure does amount to "development" within the legal definition and constitutes primary living accommodation. Whilst we would accept that it may be technically "moveable", in reality the Council does not accept that this can be achieved.

I must therefore ask that you confirm, within the next 2 weeks, whether you intend to submit an application. If you remain minded not to submit, regret to advise that I will be obliged to seek guidance from the Council's Head of Legal and Democratic Services and Director of Economic Development and Planning as to whether any formal enforcement action is appropriate.

Please be assured that the Council appreciates your willingness to date to engage with us on this issue, and any enforcement action will be very much a matter of last resort. Nonetheless, it would be wrong of me to rule this out at this stage.

Yours sincerely

Andy

From: John Atherton < john@athertons-uk.com>

Sent: 18 August 2020 07:27

To: Andy Glover < Andy. Glover@ribblevalley.gov.uk>

Subject: FW: 4a Wiswell Lane, Whalley

### Dear Andy

I apologise again for the delay in getting back to you, but I now write with some proposals and thoughts as to how we should proceed from here. I can assure you that we don't want to cause any controversy or do anything underhand – I am sure there is a solution amongst your suggested options /plans of attack that you put to me in your letter dated 24 July.

You basically set out your initial opinion that the structure neither conforms to it being a "mobile home" nor "Permitted Development" and as such you suggest that a planning application may be necessary.

- 1. I believe that we are creating a mobile home that is our intention and we have designed it accordingly. It's size, location and usage as part of my family unit, in my opinion, clearly exempts it from Planning Control. (I will expand on this below).
- 2. As such, we have not "developed" for reasons I also give below so a Lawful Development Certificate would be inappropriate.
- 3. We believe we can prove that it is a moveable structure in accordance with much Case Law on the subject. There are the principles of "Construction" and "Mobility" that need to be passed. And I do genuinely believe that we pass both with flying colours. I will be happy to pass on all notes referring to these cases.

I have taken some advice from Graham Love, a local Planning Consultant and also informal Counsel Opinion and I now copy an extract from an email that Graham sent me earlier today: -

John,

The meaning of 'development' is defined at Section 55(1) of the Town and Country Planning Act 1990 as "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

Therefore, the siting of a non-permanent / non-afixed (i.e. moveable) structure on land is not development comprising building, engineering, mining or other operations in, on, over or under land. It could be a change of use of land if a caravan was siting on a field and occupied, but in this case a caravan / mobile home being used as living accommodation on land within the curtilage of a residential property is not a change of use.

It is arguable that the structure is therefore neither operational development nor a material change of use of land requiring planning permission.

Section 55(2)(d) adds clarification. It says "The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land - the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such"

This is also reflected in Schedule 1 of the Caravan Sites and Control of Development Act 1960 which confirms that; "A site licence shall not be required for the use of land as a caravan site if the use is incidental to the enjoyment as such of a dwellinghouse within the curtilage of which the land is situated."

There is a difference in law between "incidental" and "ancillary" - you will need to explain how the structure will be used (which will influence what facilities it contains) in conjunction with the house.

You therefore need to tell the enforcement officer that you disagree with his view that due to its size the structure is permanent and immovable. It is not a question of whether it is permitted development (i.e. development for which automatic planning permission is granted). It is your view that it is not development at all - i.e. it falls outside the definition of development and therefore the scope of planning control.

You will of course have to prove that the structure is not permanent - i.e. no foundations and how it is disassembled / moved - given that it doesn't have wheels. There is much Case Law to support your stance here.

Graham also goes on to point out that the original planning application that I made last year for a permanent separate dwelling was unsuccessful largely on the grounds that it would create an eighth dwelling which would mean that an access onto the highway would need to be 5.5m wide. This was in fact wrong - it only creates six such dwellings – and as such the existing width would suffice. But making another planning application is not something that I would like to do – I genuinely only want the new property to be an annexe as outlined above, but if all else fails, it looks like this would be successful. However, I say again that I believe this is unnecessary and again – inappropriate..... and it would create risk and stress that I would dearly like to avoid!

We seem to be stuck between two stools here – hopefully there is an easy solution that satisfies all concerned.

There are a couple of changes that could be made on site that I would be very happy to meet with you to discuss further once you have had chance to take further advice.

Kind regards John

John Atherton MRICS

### Director

### Tel 01254 822722 or 07977 512210

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Appendix 8 – Pre-app form, contextual statement and LPA response

The Council is a public authority for the purposes of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Applicants under this legislation may request copies of any information that we hold, and, unless exemptions/exceptions apply, we must supply the requested information to them. Please see the attached notes.

In providing information to us, you understand and agree that all of the information supplied by you to us, could be disclosed to third parties (including to your competitors).

If you consider that any of the information that you give to us is confidential or commercially sensitive, you must: (i) provide it in a separate document; and (ii) mark it as such (and provide an explanation, where this is not self-evident).

If we receive a request for such information, we will take your views into account. However, the final decision as to whether or not to disclose the information will remain the Council's.

Address of proposed work



# **Ribble Valley Borough Council**

# REQUEST FOR PRE-APPLICATION ADVICE

Please complete all sections – see overleaf for guidance notes. DO NOT DELETE OR REMOVE ANY PART OF THIS FORM

THE PLANNING DEPARTMENT NO LONGER ADVISE WHETHER OR NOT PERMISSION IS REQUIRED. IF YOU REQUIRE CONFIRMATION OF THIS TYPE, PLEASE SUBMIT AN APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED DEVELOPMENT. SUCH AN APPLICATION COSTS HALF THE NORMAL PLANNING FEE. DOWNLOADABLE GUIDANCE NOTES AND THE RELEVANT FORMS CAN BE FOUND ON THE COUNCIL'S WEB PAGES AT

https://www.ribblevalley.gov.uk/info/200361/planning applications/1542/forms for planning applications

For Householder development only, further guidance on whether or not you need planning permission can be found at <a href="http://www.planningportal.gov.uk/permission/">http://www.planningportal.gov.uk/permission/</a> however, these guidelines do not apply to any addresses that do not have Permitted Development Rights. We therefore advise that before consulting the planning portal you first check the planning history of your property to find out whether or not these Rights have been removed. If they have, then planning permission will automatically be required for any development proposed at the site.

	MOORGILL LODGE YOU WISHELL LANE					
	WHALLEY BB7 9AF					
2.	Your/Applicant's name and	Name/Address of Planning Agent/Architect				
۷	address	(our response will be sent to this address)				
	JOHN ATHERTON	(our response will be some to time address)				
	4a WISWELL LANE					
	WHALLEY					
	BB7 9AF					
	Tel No: 07977 512210	Tel No:				
	e-mail: john Cathertons - Uk · Com	e-mail:				
	John Cokhaicis-Uk.Com					
3.	Please provide a brief description of your proposed development, and write the questions you wish to ask (continue on a separate sheet if necessary).					
	WE HAVE CONSTRUCT					
	- PLEASE DEE ACCOMPA	E ACCOMPANYING DOWNENTS.				
		ISTRUCTED A STRUCTURE IN MY GARDEN				
		d for the second of F				
Please enclose your supporting information and fee (see overleaf)  Please tick if you <b>only</b> require a written response						
	- I leaded thek if you offly require a written response					
	Please tick if you require a meeting* with a written response					
	Please tick if you require a FAST TRACK pre-application response (+50% fee increase)					

For all enquiries, please provide the following supporting information: -

- Location plan showing the site (Including at least two street names and at a recognised scale of 1:1250 where possible)
- Sketch plans of the proposed work (site plan, elevations, floor plans)
- Draft design and access/heritage statement where appropriate
- Photos of the existing site and surroundings may also be helpful, along with confirmation of the current use of the land/buildings

If insufficient information is given with your request, we may not be able to provide advice.					
I enclose the fee of £ 250 and understand that no refunds will be given  Signed (Print name) JOHN S. ATHERTON  Dated					
Completed request forms, together with the supporting information and fee should be sent to:					
Planning Department Ribble Valley Borough Council Council Offices Church Walk CLITHEROE Lancashire BB7 2RA					
Requests accompanied by insufficient information or payment will not be considered. We will contact you if this is the case, and if you have not validated your enquiry within six months we will dispose of your submission. Please do not send your request by email as we do not have the equipment to deal with it.					
*Please see guidance notes for temporary changes to meetings during the Covid-19 emergency.					
Building Regulations					
Building Regulations apply to the majority of new buildings, extensions, structural alterations, alterations to bathrooms, loft conversions and some detached buildings. If you are unsure of the requirements, further information may be obtained from any of our Building Control					

If the regulations apply to your proposals, then it is necessary to obtain Building Regulation

http://www.ribblevalley.gov.uk/info/200141/building control

consent. If you wish to receive the necessary forms, please tick the box.

## The Current Situation (2.10.20)

### Re: 4a Wiswell Lane, Whalley BB7 9AF

In 2017, I sold 4 Wiswell Lane, where I had lived for over ten years, and moved into my dad's house - next door - which had been an annexe to the main house but now was used as a separate dwelling. The move was, I thought, going to be a brief and temporary arrangement, until we obtained planning consent for new dwelling(s) in the garden, one of which it was my intention to move into so that I could be near to care for my dad in his last years — but enjoying my own space albeit in the near vicinity.

We started the planning application process over three years ago. Unfortunately, there were several delays and, largely as a result of poorly conducted applications (by my planning consultant at the time) we failed to gain an appropriate consent until February this year.

For reasons I will expand on later, we ended up with a couple of refusals but finally succeeded with a consent, having reduced the number of dwellings to one new one and the extension of the existing dwelling to form a large four-bedroom home. I attach a copy of the consent.

It was only on receipt of this consent that we had the idea of a new annex in the form of a mobile home that I could live in whilst caring for my dad whose health was slowly deteriorating. Prior to starting construction, we looked into all the rules and regulations regarding construction, size, movability and usage in order to be compliant and it seemed clear and non-contentious just to get on with it as we then proceeded to do.

Construction of the chalet started in March and much of the external structure was completed by early June.

Sadly, my father passed away on 16<sup>th</sup> July. This has obviously changed the initial reasons for the structure. After much family discussion, my son and his girlfriend are now going to move into the main house and I still intend to use the new chalet as extra living accommodation as soon as we finish it. We will then create the extension to the main house in the immediate future. I have detailed my family circumstances in more detail in earlier correspondence with the Council - I attach my "Assessment of Personal Circumstances" which summarises how we are going to use the property as a family enclave.

I have enclosed photographs of the chalet and a plan showing its position, elevations and floor plan. Basically, it is of timber frame and panel construction with Siberian larch cladding and a corrugated sheeted black roof. The structure has no foundations and rests on several concrete plinths.

## 1. The facts to establish the structure as a 'mobile home'

We maintain that we have satisfied the statutory rules and conditions of a mobile home and that we intend to use it correctly, in accordance with Planning Law legislation, Common Law Court Cases and Appeal Decisions that relate closely to our circumstances.

However, I received a letter from the RVBC Enforcement Officer (coincidentally dated 16<sup>th</sup> July, 2020) stating that, having received several letters of complaint from neighbours, the Council

required an explanation of what the structure is, alleging that we may have contravened Planning Control rules.

I promptly replied with the facts of the situation, outlining everything that we had done. There have been several exchanges of correspondence since. I have also had several telephone discussions with the Enforcement Officer and it transpires that the Council's main bone of contention is that they consider that all the rules, regulations and definitions of what a 'mobile home' that we have followed are, in fact, irrelevant to this situation, since they believe that such rules only relate to structures built on 'registered/licensed sites' — and not in a domestic situation such as this.

This is clearly an incorrect opinion for the following reasons:

- 1. Schedule 1 of The Caravan Sites & Development Act 1960 confirms that "a site licence shall not be required for the use of the land as a caravan site if the use is incidental to the enjoyment, as such, of a dwelling house within the curtilage of which the land is situated."
- 2. As such, Section 13 of The Caravan Sites Act 1968 applies. The definitions therein include the tests and rules that apply to constructions of this nature i.e. there are defined sizes, mobility and construction tests that need to be passed. There are also Planning Control rules in terms of occupation of the structure that need to be adhered to in order to be allowable as a mobile home and annexe to the main residence.
- 3. We believe that we have proved that the structure is neither operational development (as defined by Section 55 (1) of The Town and Country Planning Act 1990) nor a material change of use of the land, requiring planning permission (as clarified by Section 55 (2) (d) of the same Act).

I have attached a Planning Statement which successfully proved the case for a Certificate of Lawfulness being granted for the siting of a mobile home, in a domestic situation, by Barnsley Borough Council in 2018.

The circumstances of this case are very similar to my own and, rather than rewrite the detail of the arguments herein, I would ask that you regard the points made in that report as being of complete relevance to my circumstances.

So in summary of the above, I believe I have provided what I consider to be a watertight argument and justification that this structure is in fact a mobile home; moreover, that the siting of it within my curtilage for purposes ancillary to the main dwelling does NOT constitute operational development or a material change of use.

# 2. <u>Pre-Application Advice for a Planning Application to define the structure as a permanent separate dwelling</u>

Notwithstanding the above opinion (which RVBC have certainly not concurred with to date!), I would like to seek your advice regarding a potential planning application for consent to grant permission for its existence as a new, separate dwelling, as advised by the Enforcement Officer.

An application for a new dwelling on the site (number 3/2018/1017) was refused on 27<sup>th</sup> February 2019 (I have attached a copy). On re-reading the Decision Notice and the associated notes of explanation, a summary of the issues raised by the application is as follows:

### i. LCC Highways

This was the major issue which, at the time, seemed insurmountable. However, my planning consultant failed to address the fundamental issue raised.

Basically, the Highways Officer was of the opinion that, if approved, the existing access onto the highway would serve eight dwellings and, as such, would require a minimum width of 5.5 metres; the current gateway is less than this and currently not capable of being widened. If less than eight dwellings, the existing access would in fact be satisfactory.

The fact of the matter is that, if this structure were to be approved as a separate dwelling, it would only be the sixth dwelling that the access would be serving – and therefore acceptable...... ie consent for this new dwelling would mean that only six dwellings would have a legal right of way to use this access.

If all the other issues raised by RVBC can be satisfied in terms of planning control (i.e. design, materials etc), I intend to submit a Pre-Application Enquiry to LCC Highways to address this issue with them. Assuming this is positive, I will then submit a full planning application for a separate dwelling. These issues raised in the Decision Notice are summarised as follows: -

### ii. Lead Local Flood Authority

As long as we can provide sufficient information for them, proving that there are no watercourses within eight metres of the construction, they would be satisfied. This has been done.

### iii. United Utilities

No objections, subject to conditions - that we have met and addressed.

### iv. <u>National Planning Policy Framework</u>

It was considered that the development complies with all Key Statements.

## v. Impact on Residential Amenity

All issues have been addressed within the revised planning consent that was granted in February this year.

The structure now existing has no adverse impact on neighbours' amenity. It is sited in an acceptable position and is not visually detrimental to the character of the area. Its external

appearance and materials used in its construction are the same as the proposed bungalow that was included in the planning consent.

### vi. Landscape and Ecology

No issues.

### vii. Drainage

Potential issues were raised and have all now been addressed.

So in summary, I believe we have addressed all the issues that were raised as potential objections to the original planning application (although I understand that the highways issue will need to be addressed with the Highways Officer).

So on reflection, it may be that the best way for us to proceed is via a full retrospective planning application for a new, separate dwelling.

Your advice as to how you feel it best to proceed will be gratefully received.

John S Atherton

October 2020



### RIBBLE VALLEY BOROUGH COUNCIL

Officer:	Stephen Kilmartin	Direct Tel:	01200 414555	Council Offices	
Email:	stephen.kilmartin@ribblevalley.gov.uk		Church Walk Clitheroe		
Our Ref:	RV/2020/ENQ/0010	8		Lancashire BB7 2RA	
Location:	Moorgill Lodge			Tel: 01200 425111	Fax: 01200 414487
Proposal:	Erection of single dwelling/annex				
Date:	13/01/21				

### **Pre-Application Enquiry Response**

Dear Mr Atherton,

I write further to your submission of a request for pre-application advice relating to 4a Wiswell lane, Whalley. The enquiry seeks the Council's views as to firstly whether the structure requires planning permission and secondly as to wether if such consent is required, the likelihood of such consent being granted.

As you will be aware the site is located within the defined settlement boundary for Whalley. As such, the policies that are relevant to the determination of the proposal are considered to be as follows:

### **Relevant Core Strategy Policies:**

- Key Statement DS1 Development Strategy
- Key Statement DMI2 Transport Considerations
- Policy DMG1 General Considerations
- Policy DMG2 Strategic Considerations
- Policy DMG3 Transport and Mobility
- Policy DMH5 Residential and Curtilage Extensions
- National Planning Policy Framework (NPPF)

### **Principle of Development:**

Contrary to the advice you have submitted in support of your enquiry it is my view that the structure will require full planning permission. Given the nature of the accommodation provided and its self-contained nature I consider the structure would be considered as being 'ancillary' to the main household and not 'incidental'. As such it is my view that the proposal could not be considered to benefit from the exemptions afforded under Section 55 of the Town and Country Planning Act.

You will note that the Permitted Development Rights for Householders Technical Guidance 2019 provides some guidance on this matter stating that:

'A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.'

Given it is my view that the proposed structure would require consent, I will now turn to the matter as to whether it is the view of the authority that the proposal would be viewed favourably if an application was

made to seek formal consent. Takin g account of the recent consent granted in association with application 3/2020/0006 and taking account of the proposed siting and scale of the structure to which this enquiry relates, it is my view that addition of an additional structure will result in a discordant pattern of development that fails to respond positively to the inherent pattern of development found in the vicinity that will result in an incongruous and discordant cramped form of development.

It is further my view that the proposed structure, by virtue of its design, external appearance and materiality will also appear discordant and anomalous when taking account of the character and external appearance of surrounding built form and the inherent character of the area.

### Conclusion:

As such, taking account of all matters raised, it is the opinion of the authority that the proposal not only requires planning consent but also that it could not be supported insofar that it would result in detriment to the character and visual amenities of the area.

#### **Submission Requirements:**

Should you proceed to submission of a formal full application, based on the nature of the proposal/site constraints identified above, it is my opinion that the Local Planning Authority would require the following information to accompany such an application to allow for an accurate assessment:

- Application forms
- Location plan
- Existing and Proposed Site Plan
- Elevations and floor plans (dimensioned, existing and proposed) of all buildings
- Topographic survey
- Existing and proposed site sections
- Existing and proposed land levels
- Drainage details
- Arboricultural Impact Assessment (where applicable)
- Ecological Appraisal (where applicable)

Please note this aforementioned required information may not be exhaustive and is provided on the basis of the level of information submitted. Failure to provide required information is likely to result in an application being made invalid until such information is received or potentially refused on the basis of insufficient information.

Please also be advised that Lancashire County Council provide a separate, chargeable pre-application service for highway related matters. You should contact the County Council directly to discuss any such issues - <a href="https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-highways-advice-service">https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-highways-advice-service</a>

The above observations have been provided on the basis of the level of information submitted and the comments contained within this response represent officer opinion only, at the time of writing, without prejudice to the final determination of any application submitted.

Should you wish to discuss any of these matters further please do not hesitate to contact me.

**Yours Sincerely** 

Stephen Kilmartin Principal Planning and Urban Design Officer <u>Stephen.Kilmartin@ribblevalley.gov.uk</u>



Appendix 9 – LDC Supporting Statement