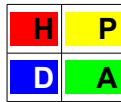


Town and Country Planning Act, 1990

Section 191

Application for a certificate of lawfulness (S191) relating to the conversion of stables to a dwelling, and an extension on land opposite 41, Arthur Lane, Radcliffe BL2 5PR. .

Planning Statement



September 2025

Prepared by Hartley Planning and Development Associates Ltd

The application is made for confirmation by the Council that material operations relating to the approved development under appeal reference APP/T4210/W/21/3288575 (LPA reference 67550) has begun prior to the expiration date of that application, giving rise to a lawful material start to the approved development

The full planning application was approved on appeal on 22 July 2022 subject to the following conditions, including that commencement had to take place within 3 years of the approval ie before 22 July 2025:-

‘SCHEDULE OF CONDITIONS

- 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.*
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Existing and Proposed Site Plan; Existing Floor Plans Drawing No. 20/541/01; Proposed Floor Plans Drawing No. 20/541/02; and Existing and Proposed Elevations Drawing No. 20/541/03; and Existing and Proposed Site Plan.*
- 3. No development shall commence until details / samples of the materials to be used in the construction of the hardstanding and external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.*
- 4. No development shall commence until details of the vehicular access between the site and the adopted highway at Arthur Lane shall have been submitted to and approved in writing by the local planning authority.*
- 5. No development shall commence until drainage works for foul and surface water have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.*

6. No development shall commence until the building has been reassessed for bat roosting potential and the findings supplied to and agreed in writing by the local planning authority.

7. No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, including a boundary native hedge planting scheme. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

9. Prior to demolition of the structures on site an asbestos survey is to be carried out by an appropriately qualified contractor. Any asbestos identified shall be disposed of in an appropriate manner.

10. Any contamination that is found or suspected during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

11. The development hereby permitted shall not be brought into use until the car parking indicated on the approved plans is surfaced, demarcated and made available for use.

12. The development hereby permitted shall not be brought into use until details of a dedicated area for the storage and management of refuse and recycling bins has

been submitted to and approved in writing by the local planning authority. The approved area for the storage and management of refuse and recycling bins shall be provided before the use is commenced and shall be retained exclusively for this use thereafter.

The pre commencement conditions relating to materials (No.3), access (4), drainage (5), bats (6), landscaping (7) and asbestos (9) were all discharged by letter dated 15 June 2023 (See submission) .

Submission requirements

S191 of the Town and Country Planning Act requires that an application for a lawful development certificate shall include the following: -

Requirements of S191	Applicant comments
A certificate under this section shall—	
(a)specify the land to which it relates;	Land opposite No.41 Authur Lane, Radcliffe BL2 5PR Please see location plan submitted as part of the appeal allowed
(b)describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);	the conversion of stables to a dwelling, and an extension (Use Class C3) on land opposite 41, Arthur Lane, Radcliffe BL2 5PR. .
(c)give the reasons for determining the use, operations or other matter to be lawful; and	Following ‘ <i>The laying of an underground main or pipe to the foundations or part of the foundations of a building, or to any such trench which is to contain the foundations, or part of the foundations of the building</i> ’ (S56(1) of the Town and Country Planning Act

(d)specify the date of the application for the certificate.	9 September 2025
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Commencement work

Photographic evidence on an email dated 6 November 2024 from the owner /applicant is submitted which shows drainage work for the development allowed on appeal to have been carried out by that date. Such work was undertaken within three years of the granting of planning approval dated 22 July 2022

The Town and Country Planning Act and a start to development

By virtue of Sec.56(1) development of land is taken to be initiated:

- (a) if the development consists of the carrying out of operations, at the time when those operations are begun;*
- (b) if the development consists of a change in use, at the time when the new use is instituted;*
- (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).*

Sec.56(2) provides that development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. The effect of sec. 56 is that permissions may be kept alive and remain legally extant and capable of full implementation.

The material operations are listed at sec.56(4) as:

- a) any work of construction in the course of erection of a building;
 - aa) any work of demolition of the building
- b) the digging of a trench which is to contain the foundations, or part of the foundations of any building;
- c) the laying of any underground main or pipe to the foundations or part of the foundations of a building, or to any such trench mentioned in para.(b).** (My highlighting)
- d) any operation in the course of laying out or constructing a road or part of a road;
- e) any change in the use of the land which constitutes material development.

The issue of such a start was determined on appeal for a site at Green Street, Rawtenstall and a copy is submitted with the current application

In view of the submitted evidence the Council is asked to issue a Certificate of Lawfulness to confirm that material operations comprised in the approved development had begun prior to the expiration date of the application, giving rise to a lawful material start to the approved development

Appendix

Submitted documents

1. Application decision letter re application 2016/0143
2. Approved plans for application 2016/0143
3. Location plan for application 2016/0143
4. LPA's discharge of pre commencement condition. Application 2018/0445.
5. Photographs 1-6 inclusive to show the commencement of the development, all dated 8 April 2019
6. Notification and photographic evidence of commencement to the LPA dated 8 April 2019
7. Planning statement
8. Application forms