

DELEGATED REPORT

Report by Sam Summers	Date of report: 13/10/2025	Ref: 71588/LDCE
Registration: 15/04/2025	LDFC:	Expiry Date: 10/06/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for existing use of store to end of old stable building that has been used as a domestic store

Location: Bast House Farm, Manchester Road, Ramsbottom, Bury, BL9 5LZ

Description

Lawful development certificate for existing use of store to end of old stable building that has been used as a domestic store. The application is for a small section of a larger building which the applicant states has been used as a domestic store in relation to Bast House.

Relevant Planning History

None

Publicity

None

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Development Plan and Policies

Issues and Analysis

S.171B of the Town and Country Planning Act 1990 says:- "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" "Building" includes any part of a building so Section 171B can apply to flats/apartments.

On April 25th 2024 the regulations around enforcement time limits were amended to make all works or changes of use carried out without the benefit of planning permission require ten years to have passed to be immune from planning enforcement. The transitional provisions introduced meant that if your project was "substantially completed" before April 25th 2024, then the new time limit would not apply.

In this case, the four year rule will apply if there is evidence that the part of the building has been occupied as a dwellinghouse for the whole of the relevant period.

The legal test for evidence is on the "balance of probabilities" which in practice means that unless the authority has in its possession evidence that is clearly contrary to that submitted it must grant a certificate. Evidence submitted does not need to be corroborated by third parties. The council has no evidence that the use has been abandoned

The agent for the application has submitted a statement confirmed in a formal letter that they have been involved in the site for over nine years and that the part of the building in question has always been used as domestic storage for Bast House. This is supported by the setup of the building where the doors open up into the residential curtilage of Bast House and have no other means of access. Therefore on the balance of probability the part of the building in question has been used for domestic storage for a period of at least 4 years and would therefore be lawful.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The use described in the First Schedule is deemed to be established and not liable to enforcement action under Section 172 of the Town & Country Planning Act 1990 (as amended) by reason of it existing on site on a continuing basis for four years or more.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	13/10/2025	DM -	13/10/2025