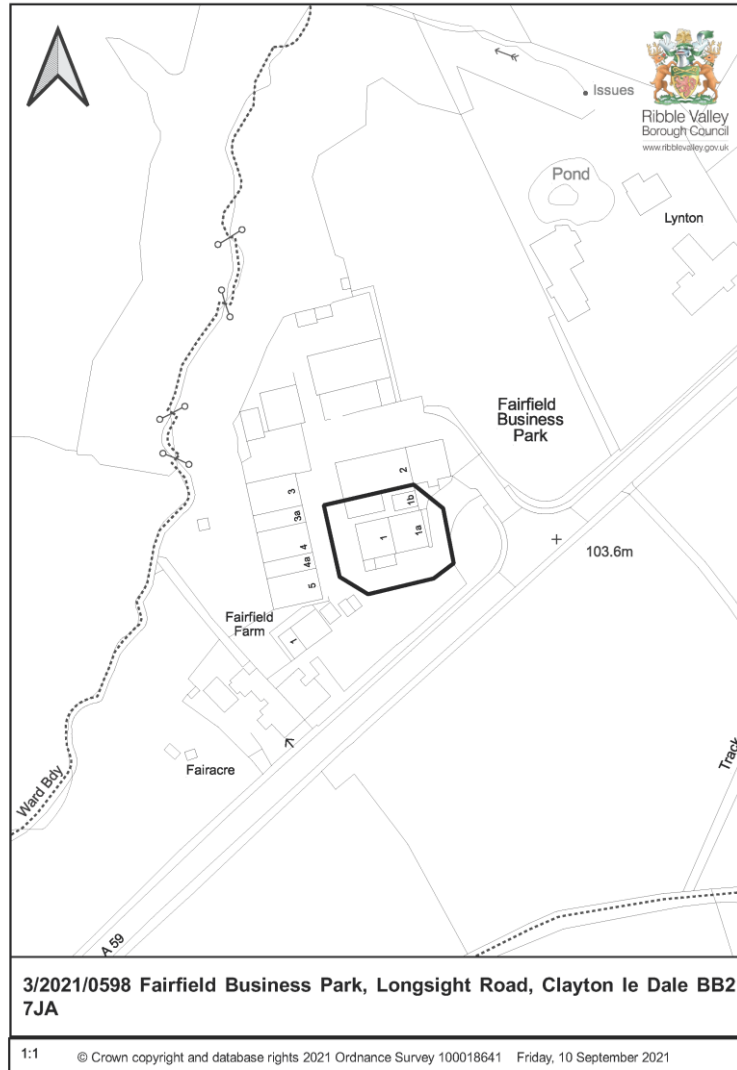


APPLICATION REF: 3/2021/0598

GRID REF: SD 365139 432087

DEVELOPMENT DESCRIPTION:

CERTIFICATE OF LAWFUL USE (PROPOSED) FOR THE ALTERATION AND EXTENSION OF AN EXISTING BUILDING AT FAIRFIELD BUSINESS PARK, LONGSIGHT ROAD, CLAYTON LE DALE, BLACKBURN BB2 7JA



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

None received.

1. Site Description and Surrounding Area

- 1.1 The application relates to an existing building at Fairfield Business Park, Longsight Road, Clayton-le-dale. Fairfield Business Park is an established employment area located alongside the A59. The application building is currently occupied by a business that manufactures garden sheds and other garden furniture.

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

- 2.1 The proposal is made under section 192 of the Town and Country Planning Act 1990 in order to ascertain the lawfulness of a proposed extension and alterations to the building which includes changes to window/doors openings, demolition of a single bay and extension on the north-western side. The main issue in the determination of this application is whether the alterations and extension require express planning consent.

3. **Relevant Planning History**

No relevant planning history.

4. **Relevant Policies**

The Town and Country Planning (General Permitted Development) Order 2015 (as amended)

5. **Assessment of Proposed Development**

- 5.1 Guidance on such an application is provided within section 192 of the Town and Country Planning Act 1990, noting that *"If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application"*.
- 5.2 Part 7, Class H of Schedule 2 of the General Permitted Development Order relates to extensions etc of industrial and warehouse including the erection, extension and alteration of a building.
- 5.3 Based on the information provided, it is considered that the proposal complies with the requirements and conditions set out in Part 7, Class H of Schedule 2 of the General Permitted Development Order. The proposed extension would not exceed 200 square meters and would not exceed 5 meters in height nor would the proposed extension would not lead to a reduction in the space available for the parking or turning of vehicles.
- 5.4. Consideration has been given to whether the proposals comply with requirements for any extension to be 'in excess of 5 meters from any boundary of the curtilage of the premises'. Whilst there is no definition of the term 'curtilage' within the regulations, it is defined within the Oxford English Dictionary as, 'The area of land around a house and its surrounding yard and outbuildings used for domestic purposes, as fenced (i.e. enclosed) or marked out so as to have the effect of enclosure'. The term can also be applied to non-domestic buildings to refer to surrounding land that serves the purpose of the building in some reasonably necessary or useful manner.
- 5.5. The land surrounding the building in question has not been marked off or enclosed in any way and this is the case for other buildings within the industrial estate. However, the land to the west side of the building does appear to have been used in association with the building for loading and unloading and therefore, based on the evidence provided by the applicant, the proposals are considered to be permitted development.

6. **Conclusion**

- 6.1 The development proposals are considered to be permitted development under Part 7, Class H of Schedule 2 of the General Permitted Development Order and planning permission is not required.

RECOMMENDATION: That the application be APPROVED subject to the following condition:

1. From the information submitted with the application, the proposed works constitute permitted development under The Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 7, Class H.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2021%2F0598