

Town and Country Planning Act 1990: Section 192
Town and Country Planning (Development Management Procedure)
(England) Order 2015: Article 39

REFUSAL OF CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

Correspondence Address:	Application Number:
Michael and Kelly Slicker Longley Hey Farm Halifax Road Littleborough OL15 0LB	23/01257/CPL
Location	Description of Development
Longley Hey Farm Halifax Road Littleborough OL15 0LB	Application for a certificate of lawfulness for the proposed conversion of existing outbuilding in garden curtilage to for additional ancillary residential accommodation in association with main use of Longley Hey Farmhouse as a dwelling

This Authority has determined to **REFUSE** to issue a certificate of lawful use or development for the use/operations*described in the First Schedule in respect of the land specified in the Second Schedule and edged red on the plan attached to this decision.

The use/operations* are/is* **NOT CONSIDERED TO BE LAWFUL** within the meaning of Section 192 of the Town and Country Planning Act 1990 for the following reasons:

Reasons:

- 1 Insufficient evidence has been submitted with the application to demonstrate that the existing building is used for purposes incidental to the enjoyment of the dwellinghouse. The proposal would also not constitute permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the building would be set within 2 metres of the boundary of the curtilage and exceed 2.5 metres. The height of the monopitch roof would also exceed 3 metres.

First Schedule

Application for a certificate of lawfulness for the proposed conversion of existing outbuilding in garden curtilage to for additional ancillary residential accommodation in association with main use of Longley Hey Farmhouse as a dwelling

Second Schedule

Longley Hey Farm
Halifax Road
Littleborough
OL15 0LB

Melanie Hale
Head of Planning Services

Date: 12 March 2024

Your attention is drawn to the attached notes:

If the applicant is aggrieved by the decision the applicant may appeal to the Secretary of State under section 195 of the 1990 Act (appeals against refusal or failure to give decision on application).

Informatives:

1. For the avoidance of doubt, the decision relates to the following drawings:-

Location Plan

Existing Site Plan – Drawing no. 1102

Existing Floor Plan and Elevations – Drawing no. 1103

Proposed Site Plan – Drawing no. 1104

Proposed Floor Plan and Elevations – Drawing no. 1105

2. Notwithstanding the red line identified on the submitted location plan, you are advised that the Council do not consider the field to the north of the property to be part of the dwellings residential curtilage and it is considered that the residential curtilage does not extend beyond the red line identified on the submitted Proposed Site Plan, drawing no. 1104.