



RIBBLE VALLEY
BOROUGH COUNCIL

23 MAY 2011

FOR THE
ATTENTION OF

For office use only

Application No 320110402P

Date received

Fee paid £

Receipt No:

Council Offices, Church Walk, Clitheroe, Lancashire. BB7 2RA Tel: 01200 425111 www.ribblevalley.gov.uk

Application for removal or variation of a condition following grant of
planning permission. Town and Country Planning Act 1990.
Planning (Listed Buildings and Conservation Areas) Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website
If you require any further clarification, please contact the Authority's planning department

1. Applicant Name, Address and Contact Details

Title:	Mr & Mrs	First name:	William	Surname:	Walne
Company name:					
Street address:	The Derby Arms			Telephone number:	
	Longridge Road				
	Longridge			Mobile number:	
Town/City:	Preston			Fax number:	
County:				Email address:	
Country:					
Postcode:	PR3 2NB				
Are you an agent acting on behalf of the applicant? <input checked="" type="radio"/> Yes <input type="radio"/> No					

2. Agent Name, Address and Contact Details

Title:		First Name:	Janet	Surname:	Dixon
Company name:	Janet Dixon Town Planners Ltd				
Street address:	10A Whalley Road			Telephone number:	
				Mobile number:	
Town/City:	Clitheroe			Fax number:	
County:	Lancs			Email address:	
Country:					
Postcode:	BB7 1AW				janet@jdixontownplanners.co.uk

Site Address Details

Full postal address of the site (including full postcode where available)

Description:

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House: Suffix:
House name:
Street address:

Town/City:
County:
Postcode:

Description of location or a grid reference
(must be completed if postcode is not known):

Easting:
Northing:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: First name: Surname:

Reference:

Date (DD/MM/YYYY): (Must be pre-application submission)

Details of the pre-application advice received:

The advice gave a resume of the planning history of the site and gave little encouragement to the success of the proposal to lift the occupancy condition unless special justification could be provided within a planning application.

5. Description of Proposal

Please provide a description of the approved development as shown on the decision letter:

Application reference number: Date of decision:

Please state the condition number(s) to which this application relates:

Condition number(s):

Has the development already started? ☐ Yes ☒ No

6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

7. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ The agent ☐ The applicant ☐ Other person

8. Certificates (Certificate A)

Certificate of Ownership - Certificate A

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Title: First name: Surname:

Person role:

Declaration date:

☒ Declaration made

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

Agricultural Land Declaration - You Must Complete Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding

(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

If any part of the land is an agricultural holding, of which the applicant is the sole tenant, the applicant should complete part (B) of the form by writing 'sole tenant - not applicable' in the first column of the table below

Title: First Name: Surname:
 Person role: Declaration date: ☒ Declaration Made

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information



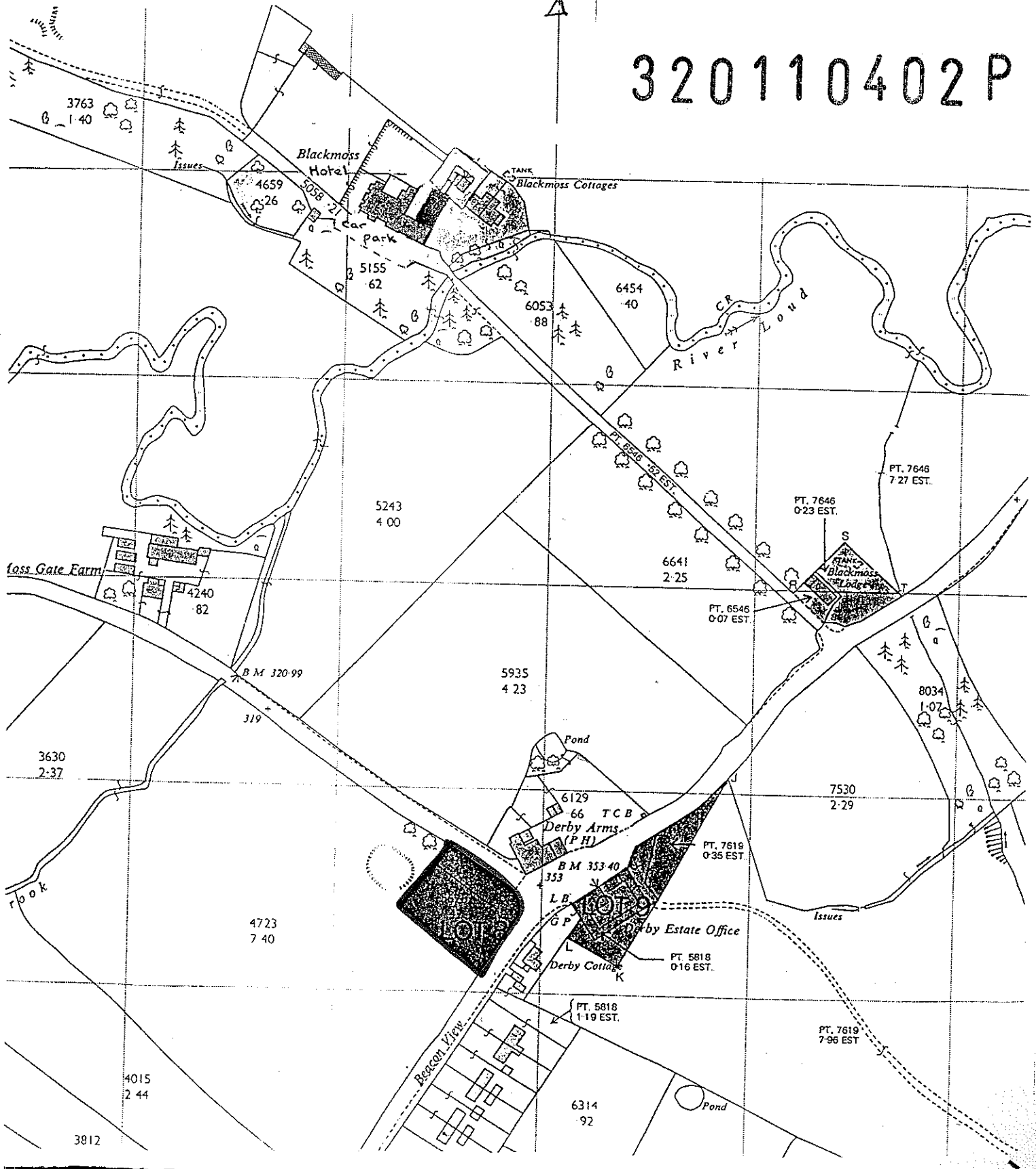
Date

THE DERBY ARMS
LONGRIDGE ROAD
THORNLEY WITH WHEATLEY



SCALE 1 2500

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DESIGN AND ACCESS STATEMENT**SITE: DERBY ARMS, LONGRIDGE ROAD, LONGRIDGE, PRESTON. PR3 2NB****PROPOSAL: REMOVAL OF CONDITION 2 , 3/99/0756/P****1. INTRODUCTION**

- 1.1 This planning statement is in support of an application to remove Condition 2 of planning permission 3/99/0756/P to allow the use of the manager's house [known as The Derby Grange] for permanent residential accommodation.

2. PLANNING HISTORY

Outline planning permission 3/89/0741/P was granted on 23/01/1990 for the erection of a house and garage with new access which had attached to the permission an occupancy condition so that the house could only be occupied by a manager of the Derby Arms. This condition was modified under 3/99/0756/P on 30/11/1999 to allow occupation also by paying guests of The Derby Arms.

3. SITE AND SURROUNDINGS

- 3.1 The Derby Grange is situated within a group of houses and buildings along Longridge Road adjacent to the Derby Arms PH. The dwelling is substantially completed with only the internal fitting out required. The dwelling can be considered to be a permanent structure.

4. PROPOSAL

- 4.1 The proposal is to remove Condition 2 so that the restriction on occupancy would no longer apply and the building could be occupied as a normal house. The present condition reads:

"The occupation of the dwelling hereby approved shall be limited to a person employed at the Derby Arms Longridge Road Thornley with Wheatley or a dependant of such a person residing with him/her including a widow or widower of such a person, or a paying guest at the Derby Arms "

- 4.2 If planning permission is granted there will be no physical alterations to the approved details of the property or its curtilage/access

5. BACKGROUND

- 5.1 This application arises from the banking crisis and the general tightening up of bank lending to small and medium sized businesses. The actual reason for this particular application is set out in the letter from Yorkshire Bank dated 12th May 2011, copy appended. The Bank require a residential asset against which to secure the existing commercial loan. Without the extension of the loan facility, Mr & Mrs Walne cannot continue to trade at The Derby Arms. The business employs the Walne family and 13 staff. The business injects tens of thousands of pounds into the local economy each month through wages and the purchase of locally sourced food, goods and services. The Derby Arms is one of the Valley's oldest country pubs and, as well as being an excellent place to eat it is a tourist destination in its own right.
- 5.2 The business has a sound future if the business loan can be continued. Mr and Mrs Walne's two sons are training to work in the tourism and catering business and to develop new income streams eg by doing spit roasts and providing outside catering using the existing kitchen facilities. Ultimately, the family hope to be able to buy the freehold of The Derby Arms but that possibility is currently beyond their control.

6. PLANNING POLICY

- 6.1 The main component of the Development Plan (against which all planning applications have to be considered) is the Ribble Valley Local Plan (adopted in June 1998).

Ribble Valley Local Plan

- 6.2 The following saved policies of the adopted Ribble Valley Local Plan are relevant to the proposal:

- Policy G1: Development Control – all development proposals will be expected to provide a high standard of building design and landscape quality. The various detailed criteria to be applied in deciding planning applications are set out in the policy, including the development being sympathetic to existing and proposed land uses;
- Policy G5: Settlement Strategy - outside the main settlement and village boundaries, planning consent will only be granted for small scale developments;
- Policy ENV3: Open Countryside – in the open countryside development will be required to be in keeping with the character of the landscape area;
- Policy H2: Dwellings in the Open Countryside – provides for the appropriate conversion of buildings to dwellings subject to various criteria;
- Policy H15: The Location of the Building to be Converted – planning permission will be granted for the conversion of buildings to dwellings subject to various criteria;
- Policy H23: Removal of Holiday Let Conditions – proposals will be refused unless it conforms to the normal development control policies of the Local Plan. Policies G5, H2, H15, H16 and H17 are cited as being particularly relevant.

Regional Spatial Strategy

6 3 The Rt Hon Eric Pickles (Secretary of State for Communities and Local Government) in his letter to Council Leaders dated 27 May 2010 confirmed the Government's intention to abolish all RSSs. The subsequent letter from Steve Quartermain, CLG Chief Planner, dated 6 July 2010, confirmed that the RSSs have been revoked with immediate effect (and, thus, no longer form part of the Development Plan) However, it also states that evidence that informed the preparation of the revoked RSSs may be a material consideration. The letter stated that the requirement for Councils to provide a five year

supply of housing land remains. A report to Ribble Valley Borough Council's Planning and Development Committee, on 17 June 2010, confirmed that the RSS housing figures be adopted as the strategic basis for housing land provision in the Borough. Indeed, the Council supported the housing provision figures at the time of RSS preparation.

- 6.4 The RSS set out the strategic planning and development framework at a regional level. It was primarily directed at providing a framework for policy planning at the local level. Policy L4 (Regional Housing Provision) expected Councils to manage the availability of land identified in plans and through development control decisions to achieve the housing provision levels stipulated. The provision levels required in Ribble Valley (net of clearance) for the period 2004 – 2021 was 2900. This figure equated to 161 per year.

National Policy

- 6.5 PPS3: Housing states that where Councils can not demonstrate an up to date 5 year supply of deliverable housing sites, they should consider favourably planning applications having regard to the policies of the PPS3 including the considerations at paragraph 69. The policies and considerations include reference to good design, achieving high quality housing, the suitability of the site for housing and using land effectively and efficiently.

Local Development Framework

- 6.6 Ribble Valley Borough Council is only at a relatively early stage in the replacement of the Local Plan with a Local Development Framework (LDF). The Council has been primarily engaged in the process of evidence gathering and produced a six page Core Strategy Issues and Options Consultation Leaflet in late 2007. A Core Strategy document setting out optional strategies for the distribution of housing development was consulted upon in Autumn 2011. At the present time, no regard can be given to the LDF as a source of policy guidance.

Other Documents/Information

- 6.7 In a report to the Council's Planning and Development Committee at its meeting on 4 Nov 2011, an update was provided on housing land supply to 1 Oct 2011. This showed a total supply of 532 units, equating to a 2.9 year's supply based on RSS provision levels.

7. PLANNING ASSESSMENT

- 7.1 Having regard to relevant policy, the main issues for consideration in this case are:
- the principle;
 - location;
 - landscape impact;
 - highways and access;
 - neighbour amenity; and
 - implications on housing under-supply.

- 7.2 Each of these issues is addressed in turn below.

Principle

- 7.3 The residential use (Use Class C3) of the property has already been established through the grant of planning permission 3/89/0741/P and 3/99/0756/P albeit restricted by the terms of the Condition. The proposal requires no physical alterations to the property or its environs. Indeed, the property was designed as a dwelling has all the facilities and space required for day to day living
- 7.4 There is no specific policy in the Local Plan which directly relates to this proposal but we would suggest that there are many similarities between our proposal and recent proposals for the removal of occupancy conditions on holiday cottages. In both cases a holiday cottage and a managers house are essentially dwellings, the occupancy of which is restricted by a condition. The provisions of Local Plan Policy H23 allows for the removal of holiday let conditions, (and the same process of considering whether this proposal is acceptable could be applied to manager's accommodation) where the proposal conforms to the normal development control policies of the Plan. Policies G5,

H2, H15, H16 and H17 are, in particular, cited. Criteria derived from each of these policies are considered in the following sub-sections.

- 7.5 It should be noted that the Council has recently given consent for holiday let conditions to be removed from other properties. One example is application 3/2010/0183/P in respect of 5 self-contained units at Greenbank Cottages, Whalley Road, Sabden. These properties are located in a rural location, as is the application property; in the case of Greenbank Cottages some 2.5km to the southwest of Sabden. The Greenbank Cottages properties were newly built in the mid-1990s, not created as the result of a conversion. The Officer's report in relation to the Greenbank Cottages application stated that "there is little difference between this being a form of conversion, and the proposal can be treated as tantamount to a conversion". The report went on to state that "policies support the creation of additional permanent residential dwellings". As such, a precedent has been set against which the application proposal should be considered. Analysing the argument for the lifting of the condition further, a full planning appraisal follows:

Location

- 7.6 The building is located in a rural area. However, neither Local Plan policy nor the precedent of other cases indicates this to be a bar for the conversion of an existing building to permanent residential accommodation. Rather, policy allows for such conversion, subject to consideration of various criteria, all of which are met in this particular case. The Derby Grange is within a significant group of houses and other buildings. The proposed use of the property as a house would result in no additional expenditure by public authorities or utility undertakers on the provision of infrastructure or other services because these are already supplied to the surrounding properties and would have to be supplied to the dwelling anyway even if the condition remains.

Landscape Impact

- 7.9 The proposal involves no physical alterations to the building, its curtilage, or its environs. Its use for permanent accommodation would result in no change to or damaging effects on the landscape qualities of the area. There is no impact on visual amenity.

Highways and Access

- 7.10 The property would continue to use the existing access. The proposal would not change the nature of the use of the building and, as such, there are not considered to be any highway safety or access concerns.

Neighbour Amenity

- 7.11 The proposal would not result in any significant change in the nature of the usage of the property, both the current and proposed uses falling within Use Class C3.

Implications of Housing Under-Supply

- 7.12 Neither the recent (2010) changes to PPS3, nor the CLG Chief Planner letter dated 6 July 2010, alter the requirement for local authorities to maintain a continuing five year supply of housing. There is an undoubted severe under-supply of housing land within the Borough, measured against the RSS provision level. As such, there is an added presumption in favour of the application. In short, the proposal would add to the supply of housing without having an impact on the environment, as the building already exists.

8. CONCLUSION

- 8.1 The removal of the condition would allow for the existing dwelling to be completed and used by the applicants who manage the Derby Arms. The house would provide the required collateral for the Bank who will continue their commercial loan to Mr & Mrs Walne for the pub and restaurant business.
- 8.2 In planning policy terms, the removal of the occupancy condition would follow precedent set by the removal of holiday occupancy conditions where, as in this case, the property is located close to other houses. Moreover, it would add to the supply of houses in the Borough without any negative impact on the locality because the property is already there

Appendix

Letter from Yorkshire Bank

Janet Dixon BA (Hons), MCD, MRTPI

Janet Dixon Town Planners Ltd, 10A Whalley Road, Clitheroe. BB7 1AW

Tel: 01200 425051

May 2011

12 May 2011

Ms J Dixon
Town Planners Limited
10A Whalley Road
Clitheroe
Lancashire
BB7 1AW

Lancaster
Financial Solutions Centre
45 Penny Street
Lancaster
LA1 1UE

Tel: 01524 845185
Fax: 01524 843225

Dear Ms Dixon

RE W& C Walne – the Derby Arms, Longridge

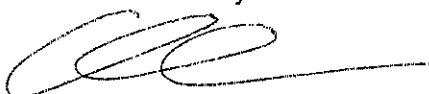
Our discussions refer.

The Yorkshire Bank currently support the pub and restaurant business at The Derby Arms, Thornley with a business loan.

Mr & Mrs Walne are tenants, not owners, of The Derby Arms. In order for the Bank to continue this business loan facility the Bank require the loan to be secured on a residential asset. Mr & Mrs Walne do not have a residential property, although they own The Derby Grange, adjacent to The Derby Arms, this property does not have a residential planning permission – its occupation is restricted by planning condition.

If the Planning Authority remove the occupancy condition allowing normal residential use, then the Bank will continue to support the pub and restaurant business through these difficult trading times, by continuing the existing loan facility. “

Yours sincerely



Chris Lawson
Partner Business Banking