



RIBBLE VALLEY
BOROUGH COUNCIL

07 JUL 2011

FOR THE
ATTENTION OF

For office use only

Application No

Date received

Fee paid £

Receipt No:

320110544 P

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

You can complete and submit this form electronically via the Planning Portal by visiting www.planningportal.gov.uk/apply

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.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application

1. Applicant Name and Address

Title:	MR	First name:	J
Last name:	WILKINSON		
Company (optional):			
Unit:	House number:	House suffix:	
House name:	C/O AGENT		
Address 1:			
Address 2:			
Address 3:			
Town:			
County:			
Country:			
Postcode:			

2. Agent Name and Address

Title:	MR	First name:	A
Last name:	KINDER		
Company (optional):	REEDLEY TOWN PLANNING		
Unit:	House number:	House suffix:	
House name:	REEDLEY BUSINESS CENTRE		
Address 1:	REDMAN ROAD		
Address 2:	REEDLEY		
Address 3:			
Town:	LANCASTIRE		
County:	BURNLEY		
Country:			
Postcode:	BB10 2TY		

3. Site Address Details

Please provide the full postal address of the application site

Unit: House number: House suffix:

House name: HEY MOO

Address 1: ELSWICK FARM

Address 2: MELLOR BROW

Address 3:

Town:

County: LANCASTHIRE

Postcode (optional): BB2 7EX

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

Easting: Northing:

Description:

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)

Please tick if the full contact details are not known, and then complete as much as possible: ☐

Officer name:

Reference:

Date (DD/MM/YYYY):

(must be pre-application submission)

Details of pre-application advice received?

5. Description Of Your Proposal

Please provide a description of the approved development as shown on the decision letter, including the application reference number and date of decision in the sections below:

CHANGE OF USE TO FORM SELF-CATERING HOLIDAY ACCOMMODATION

Reference number: 3/2004/0450 Date of decision (DD/MM/YYYY): 09/09/04 (date must be pre-application submission)

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

17

1	6
2	7
3	8
4	9
5	10

Has the development already started?

☐ Yes ☐ No

If Yes, please state when the development started (DD/MM/YYYY):

(date must be pre-application submission)

Has the development been completed?

☐ Yes ☐ No

If Yes, please state when the development was completed (DD/MM/YYYY):

(date must be pre-application submission)

6. Condition(s) - Removal

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

TO ALLOW THE USE AS A PERMANENT RESIDENTIAL ACCOMMODATION

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

N/A

320110544P

3. Site Address Details

Please provide the full postal address of the application site

Unit: House number: House suffix: House name: HEY MOOAddress 1: ELSWICK FARMAddress 2: MELLOR BROWAddress 3: Town: County: LANCASHIREPostcode (optional): BB2 7EX

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

Easting: Northing: Description: **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)

Please tick if the full contact details are not known, and then complete as much as possible: ☐Officer name: Reference: Date (DD/MM/YYYY): (must be pre-application submission)

Details of pre-application advice received:

AMENDED PLANS RECEIVED

DATE 12/08/11

5. Description Of Your Proposal

Please provide a description of the approved development as shown on the decision letter, including the application reference number and date of decision in the sections below:

CHANGE OF USE TO FORM SELF-CATERING
HOLIDAY ACCOMMODATION

Reference number: 3/2004/0450 Date of decision (DD/MM/YYYY): 09/09/04 (date must be pre-application submission)

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

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Has the development already started?

☐ Yes ☐ No

If Yes, please state when the development started (DD/MM/YYYY):

 (date must be pre-application submission)

Has the development been completed?

☐ Yes ☐ No

If Yes, please state when the development was completed (DD/MM/YYYY):

 (date must be pre-application submission)**6. Condition(s) - Removal**

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

TO ALLOW UNIT 1 & 2 TO BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION

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

THIS PERMISSION ALLOWS UNITS 1 & 2 TO BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION. UNITS 3 & 4 SHALL NOT BE LET OR OCCUPIED BY ANY ONE PERSON OR GROUP OF PERSONS FOR A CONTINUOUS PERIOD OF LONGER THAN 3 MONTHS IN ANY ONE YEAR AND IN ANY EVENT SHALL NOT BE USED AS A PERMANENT ACCOMMODATION. A REGISTER OF LETTINGS SHALL BE KEPT AND MADE

AVAILABLE TO THE LPA TO INSPECT ON AN ANNUAL BASIS

5Date: 2010-09-10 #5 SRevision: 2995 S

7. Ownership Certificates

One Certificate A, B, C, or D, must be completed with this application form

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

Signed - Applicant:

Or signed - Agent:

Date DD/MM/YYYY:

29/06/11

CERTIFICATE OF OWNERSHIP - CERTIFICATE B**Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12**I certify/ The applicant certifies that I have/ the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, 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 this application relates.

Name of Owner	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date DD/MM/YYYY:

CERTIFICATE OF OWNERSHIP - CERTIFICATE C**Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12**

I certify/ The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of the land or building, or of a part of it, but I have/ the applicant has been unable to do so

The steps taken were:

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Name of Owner	Address	Date Notice Served

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date DD/MM/YYYY:

7. Ownership Certificates (continued)

CERTIFICATE OF OWNERSHIP - CERTIFICATE D

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

I certify/ The applicant certifies that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, 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 to which this application relates, but I have/ the applicant has been unable to do so

The steps taken were:

--

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

--

On the following date (which must not be earlier than 21 days before the date of the application):

--

Signed - Applicant:

--

Or signed - Agent:

--

Date DD/MM/YYYY:

--

8. Agricultural Land Declaration

AGRICULTURAL LAND DECLARATION

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

Signed - Applicant:

--

Or signed - Agent:



Date (DD/MM/YYYY):

29/6/11

(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:

Name of Tenant	Address	Date Notice Served
	N/A	

Signed - Applicant:

--

Or signed - Agent:

--

Date (DD/MM/YYYY):

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9. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted

The original and 3 copies of a completed and dated application form:



The original and 3 copies of the completed, dated Ownership Certificate (A, B, C, or D - as applicable):



The original and 3 copies of other plans and drawings or information necessary to describe the subject of the application:



The original and 3 copies of the completed, dated Article 12 Certificate (Agricultural Holdings):



The correct fee:

£



10. Declaration

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

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

29/6/11

(date cannot be pre-application)

11. Applicant Contact Details

Telephone numbers

Country code:	National number:	Extension number:

Country code:	Mobile number (optional):

Country code:	Fax number (optional):

Email address (optional):

12. Agent Contact Details

Telephone numbers

Country code:	National number:	Extension number:
	01282 834834	

Country code:	Mobile number (optional):

Country code:	Fax number (optional):
	01282 451666

Email address (optional):

13. 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)

☒ Agent☐ Applicant☐ Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:

Telephone number:

Email address:



REEDLEY

CHARTERED TOWN PLANNING
&
ARCHITECTURAL CONSULTANCY

320110544P

PLANNING STATEMENT

SITE: 4 NO. HOLIDAY LET COTTAGES, HEY MOO, MELLOR BROW, MELLOR

PROPOSAL: MODIFICATION OF CONDITION 17 FROM PLANNING PERMISSION 3/2004/0450 TO ALLOW UNIT 1 & 2 TO BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION

- 1 Elswick Farm is situated on the western side of Mellor Brow. The farm comprises the original farmhouse and garden, now in separate ownership, a barn converted to a dwelling approved under reference 3/2001/0127, three further buildings that have recently been granted consent under reference 3/2011/0163 and a traditional stone barn converted for use as self-catering holiday accommodation (planning reference 3/2004/0450) the subject of this application.
- 2 Access to the farm is obtained via a track which runs up the west side of 46 Mellor Brow, an end terrace property. The access track coincides with the settlement boundary, which includes the terrace and properties to the east of the farm, but excludes the farm itself and properties to the west and south. Accordingly the application site is located within the open countryside. Extending west along Mellor Brow there is considerable ribbon development, which impacts on the character of the area.
- 3 There is significant and extensive planning history attached to the site as a whole, but the relevant items appertaining to the application building can be summarised as follows:

3/2003/0055 - Conversion of agricultural barn to restricted use business self-catering accommodation - Refused 15 May 2003

3/2003/0865 - Conversion of barn to form 4 no. holiday let units - Refused 25 November 2003

3/2004/0450 - Change of use to form self catering holiday accommodation - Approved conditionally 9 September 2004.

AMENDED PLANS RECEIVED

DATE

12/08/11

Of relevance to this proposal is condition No.17 on consent 3/2004/0450 which reads as follows:

"The units of accommodation shall not be let to or occupied by any one person or group of persons for a period of longer than 3 months in any one year and in any event shall not be used as a permanent accommodation. A register of all lettings shall be kept and made available to the Local Planning Authority for inspection on an annual basis."

- 4 The key concern at this time is whether the retention of the condition is justified. The issue centres around the occupancy of the dwellings purely as holiday lets. Saved policy H23 states that proposals to remove a condition restricting occupancy in this way will be refused "... unless the proposal conforms to the normal development control policies ..."; saved policy H2 is relevant in this instance. Policy H2 limits residential development in the open countryside, but does allow the conversion of buildings for this purpose provided that a number of criteria are satisfied. The building is within a group of other dwellings, and a scheme of conversion for residential use has previously been approved. Furthermore since the imposition of the condition in 2004 there has been a significant change in circumstances, with the Council no longer being in a situation of oversupply of housing. Accordingly the retention of the condition limiting the occupancy to holiday let is unjustified.
- 5 This conclusion is supported by a number of planning consents recently granted for the removal of conditions restricting the occupancy of dwellings in the countryside to holiday lets. An example is Pear Tree Cottage on Mitton Road at Whalley where planning permission has been granted (planning reference 3/2010/0573/P) for the modification of a condition allowing a property formerly limited to use as a holiday let to be used as permanent residential accommodation. More recently, a similar application has been granted under reference 3/2011/0062 thereby allowing Arbour Cottage on Longridge Road at Thornley with Wheatley to be used as a permanent residential dwelling.
- 6 In conclusion, whilst it has been demonstrated that it is not appropriate or justified in planning terms to maintain the occupancy condition, then it is equally important to note that the modification of the condition allowing two of the dwellings occupation as a permanent residential units does not preclude its ongoing use as holiday cottages, and at

the present time it is in fact my client's intention to continue to promote the use of the units in this manner

Reedley Chartered Town Planning and Architectural Consultancy
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01282 - 834834

June 2011