

14 JUL 2011

FOR THE
ATTENTION OF

For office use only

Application No. 320110557 P

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:	R and A	Surname:	Lancaster	
Company name:						
Street address:	Horton Grange Cottage			Country Code	National Number	Extension Number
	Horton-in-Craven			Telephone number:		
				Mobile number:		
Town/City:	Skipton			Fax number:		
County:	North Yorkshire			Email address:		
Country:						
Postcode:	BD23 3JT					
Are you an agent acting on behalf of the applicant? ☒ Yes ☐ No						

2. Agent Name, Address and Contact Details

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

3. Site Address Details

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

Description:

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

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 If Yes please state when the development was started:

Has the development been completed? ☒ Yes ☐ No If Yes please state when the development was completed:

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

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

(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

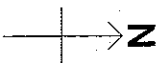
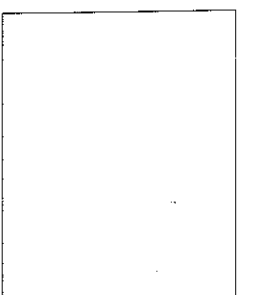
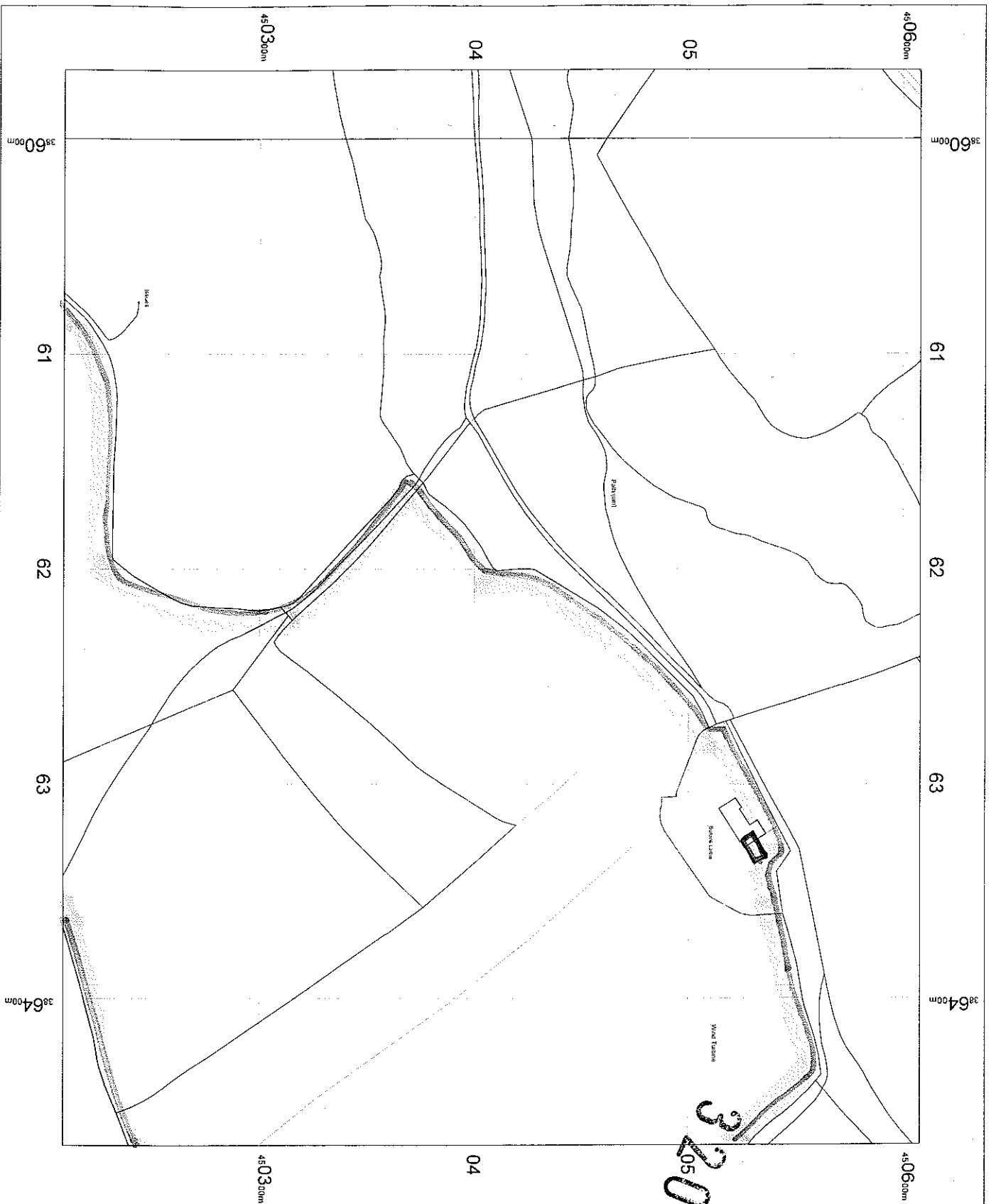
9. Declaration

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

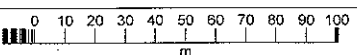


Date

Buronslaithe



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OS Mastermap
23 June 2011, ID: CM-00079294
www.centremapslive.co.uk
1:2500 scale print at A4, Centre:
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CENTREMAPS
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PLANNING STATEMENT**SITE: BURONS LAITHE, HORTON-IN-CRAVEN****PROPOSAL: REMOVAL OF CONDITION 2 OF PLANNING PERMISSION 3/2004/0523****1. INTRODUCTION**

- 1.1 This planning statement is in support of an application to remove Condition 2 of planning permission 3/2004/0523 to allow the use of the holiday cottage at Burons Laithe as permanent residential accommodation.

2. PLANNING HISTORY

- 2.1 Planning permission 3/2004/0523 was granted on 7 July 2004 for the conversion of a barn (Burons Laithe) to form a house and a holiday let cottage (see Appendix 1). The permission was subject to a number of conditions, including Condition 2 to which this application relates. Condition 2 reads as follows:

"The unit(s) of accommodation shall not be let to 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 and a register of occupation shall be kept and made available to the Local Planning Authority to inspect on an annual basis.

Reason: In order to comply with Policies G1, G5, ENV3, RT1, RT3 of the Ribble Valley Districtwide Local Plan. The building is located in an area where the Local Planning Authority would not normally be minded to grant the use of building for a permanent residential accommodation."

- 3.1 Other related planning history at Burons Laithe is detailed below:

- 3/2001/0755 – Change of use of barn to farmhouse and two holiday cottages – planning permission granted 30 June 2003; and
- 3/2005/0423 – Erection of wind turbine and stone built generator housing – planning permission granted 5 July 2005.

3. SITE AND SURROUNDINGS

- 3.1 Burons Laithe is situated in an area of open countryside some 700 metres to the east of the settlement of Horton-in-Craven and some 3.5km to the north east of Gisburn. The property is accessed from the A59 Clitheroe - Skipton road, via Horton-in-Craven. Burons Laithe comprises a traditional stone built and slate roofed former barn, now converted to a farmhouse (western two-thirds) and a single unit of holiday let accommodation (eastern one-third). The holiday let unit has two floors of accommodation with three bedrooms. Externally, there are parking and turning areas for vehicles and garden / sitting out areas.

4. PROPOSAL

- 4.1 The proposal is to remove Condition 2 so that the holiday let unit may be used for permanent residential accommodation.
- 4.2 No physical alterations to the property or its curtilage/access are proposed.

5. BACKGROUND

- 5.1 Since completion of the conversion of Burons Laithe in Spring 2006 it has been let as holiday accommodation in accordance with the terms of the planning permission. The holiday cottages have been promoted through a holiday cottage agency and privately.
- 5.2 The properties are equipped and maintained to a high standard and feedback from guests who have stayed has been positive and confirms that the accommodation meets and, indeed, exceeds expectations.
- 5.3 There has been a marked increase in the supply of holiday let accommodation over the past decade which, in turn, has led to a general decline in occupancy rates. As such, the business has not proved to be viable and cannot be sustained. Accordingly, the applicant has had to consider other options. Given that both holiday accommodation and permanent residential accommodation fall within the same C3 use class (*Moore vs Secretary of State for the Environment and New Forest District Council 1998*), the most obvious option is to seek removal of the control on occupancy as provided by Condition 2.

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 – development should 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 H16: The Building to be Converted – conversion of buildings to dwellings will be granted provided various criteria are met;
- Policy H17: Design Matters – conversion of buildings to dwellings will be granted provided various criteria are met; and
- 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 and setting out its expectation that the letter should be taken into account as a material planning consideration in any planning decisions they were currently taking. 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 stated 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. More recently, there has been a successful legal challenge against the revocation of the RSSs. This had the effect of re-instating them. Reports to Ribble Valley Borough Council's Planning and Development Committee, on 17 June 2010 and 16 June 2011, 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 is primarily directed at providing a framework for policy planning at the local level. Policy L4 (Regional Housing Provision) expects 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

engaged in a process of evidence gathering. It produced a six page Core Strategy Issues and Options Consultation Leaflet in late 2007. In 2010 the Council consulted on optional strategies for the distribution of housing development in the Core Strategy and re-affirmed its commitment to the RSS housing provision levels. In June 2011 the Council again affirmed its commitment to the RSS housing provision levels and resolved to carry out a further consultation exercise on additional optional strategies for the distribution of housing development in the Core Strategy. That consultation is now underway. At the present time, no regard can be given to the LDF as a source of policy guidance.

Other Documents/Information

- 6.7 The Annual Monitoring Report (AMR) 2010 provides a statement on the 5 year supply of housing land based on RSS figures, to 31 March 2010. It indicates that the total supply of dwellings under construction and deliverable permissions (discounted by 10% slippage allowance) to be 462. When compared to the RSS annual provision requirement of 161 units, this figure equates to 2.2 years supply.
- 6.8 In a report to the Council's Planning and Development Committee at its meeting on 16 June 2011, an update was provided on housing land supply to April 2011. This showed a total supply of 555 units, equating to a 2.9 years' 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;
 - building character;
 - conversion scheme;
 - landscape impact;
 - highways and access;
 - neighbour amenity; and
 - implications of 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 3/2004/0523, albeit restricted by the terms of Condition 2. The proposal requires no physical alterations to the property or its environs. Indeed, the property has all the facilities and space required for day to day living, whether it is used as a holiday cottage or as a permanent dwelling.

7.4 The provisions of Local Plan Policy H23 allows for the removal of holiday let conditions 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 a number of other new-build and converted properties in rural locations and, indeed, planning permission for the conversion of rural barns to permanent residential accommodation. Two examples are cited below:

- application 3/2010/0183 in respect of 5 self-contained units at Greenbank Cottages, Whalley Road, Sabden. These properties are in a rural location, as is the application property. In the case of Greenbank Cottages some 2.5km to the southwest of Sabden village. The Greenbank Cottages properties were newly built in the mid-1990s, whereas the application property was formed from the conversion of an existing building. 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"*.
- application 3/2010/0790 in respect of one unit at High Laithe Barn, Tosside. This property is in a rural location, as is the application property, some 1km to the southwest of Tosside village. It formed one half of a former agricultural building converted in 2008. The Officer's report in relation to the High Laithe

Barn 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 *"if it (High Laithe Barn) had not already been converted, its conversion into a dwelling with unrestricted occupancy would now be acceptable in principle and in accordance with the currently applicable policies and guidance"*.

As such, a precedent has been set against which the application proposal should be considered. Notwithstanding the above, 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 these criteria are examined in this Statement. The holiday let accommodation forms a minor part of a substantially larger building that has been converted to residential use building and, thus, may be regarded as standing within a group of buildings. Nevertheless, policy does not preclude the conversion of isolated barns. Rather, it points to an appropriate assessment of impacts. The supporting text to Policy H15 states that problems can arise *"where isolated buildings in the landscape such as barns are proposed for conversion. The local landscape can be damaged and a degree of urbanisation imposed upon an otherwise wholly rural view"*. Such impacts would simply not result in this instance as the conversion has already been permitted and undertaken. No further physical works or alterations to the building or its environs are proposed or required. Thus, no detriment to landscape character would arise. The proposed use of the property would result in no additional expenditure by public authorities or utility undertakes on the provision of infrastructure or other services. It should also be noted that regular service buses run along the A59 between Preston, Clitheroe and Skipton.

Building Character

- 7.7 The building is of traditional character and appearance and is worthy of retention as a heritage asset. No physical alterations are proposed to the building and, thus, it would retain its present character and appearance.

Conversion Scheme

- 7.8 The building has already been converted to a residential use without harm to its traditional character and appearance. No further physical alterations are proposed or required to facilitate the use of the property for permanent residential accommodation. The building has been maintained to a high standard and is structurally sound.

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 affects on the landscape qualities of the area.

Highways and Access

- 7.10 The property would continue to use the existing access. The proposal would not generate a significant change in 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. The proposed use would be entirely consistent with the existing residential use within the larger part of the building.

Implications of Housing Under-Supply

- 7.12 There is a national policy 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. In assessing the proposal to remove the holiday occupancy restriction on the unit and whether to allow its use as permanent residential accommodation the Council should acknowledge that:
- it is in a situation where a five year housing land supply cannot be identified; and
 - residential development should be favourably considered taking account of the requirements of PPS3 and the relevant saved policies of the Local Plan.

- 7.13 The Local Plan policies have been assessed above. With regard to the considerations set out in PPS3, the suitability of the site's location has already been considered; the proposal would result in the provision of high-quality housing; and the proposal makes effective use of an existing building, thus utilising brownfield land. In short, the proposal would add to the supply of housing without having an impact on the environment, as the building already exists and is converted. It also provides a dwelling on a site that is previously developed, thereby offsetting the need to develop a greenfield site.

8. CONCLUSION

- 8.1 The removal of the condition, as proposed, would allow for the use of the holiday cottage at Burons Laithe for permanent residential accommodation. This proposal has been shown to be in full compliance with criteria set out in Local Plan policies relating to the conversion of rural buildings to dwellings. The permanent residential accommodation would assist in the delivery of housing to meet the Borough's housing provision levels and in a manner compliant with all relevant planning policies.
- 8.2 For the reasons set out in this statement, the Council is respectfully invited to approve the application for removal of Condition 2 of planning permission 3/2004/0523.

9. APPENDIX

Appendix 1 – Planning permission notice 3/2004/0523

APPENDIX

Appendix 1 – Planning permission notice 3/2004/0523

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2004/0523

DECISION DATE: 07 July 2004

DATE RECEIVED: 2 June 2004

APPLICANT:

B Lancaster
Horton Grange Farm
Horton-in-Craven
Skipton

AGENT:

J R Wharton Architect
Craven House
Brook View
Carleton
SKIPTON BD23 3EX

DEVELOPMENT Conversion of barn to house and holiday let cottage

PROPOSED:

AT: Burons Laithe Horton-in-Craven Skipton

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of **two years** beginning with the date of this permission.

Reason: In order that the Local Planning Authority shall retain effective control of the development and to ensure the continued structural integrity of the building

2. The unit(s) of accommodation shall not be let to 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 and a register of occupation shall be kept and made available to the Local Planning Authority to inspect on an annual basis.

Reason: In order to comply with Policies G1, G5, ENV3, RI1, RI3 of the Ribble Valley Districtwide Local Plan. The building is located in an area where the Local Planning Authority would not normally be minded to grant the use of building for a permanent residential accommodation.

3. The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her or a widow or widower of such a person.

Reason: In order to comply with Policies G1 and H3 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance "Agricultural Dwellings - Siting, Size and Design". The site is within an area where residential development for purposes other than the essential requirements of agriculture, or forestry, are not normally permitted.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to H shall not be carried out without the formal written consent of the Local Planning Authority.

Reason: In the interests of the amenity of the area in accordance with Policies G1, H2, H16, H17 and H18 of the Ribble Valley Districtwide Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) any future additional structures, hard standing or fences as defined in Schedule 2 Part I Classes E, F and G, and Part II Class A, shall not be carried out without the formal written consent of the Local Planning Authority.

Reason: In order that the Local Planning Authority shall retain effective control over the development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and in the interests of safeguarding any adjacent residential amenity or visual amenity.

6. All the external works of the development hereby permitted shall be completed before the expiration of three years from the date of this permission.

Reasons: In order that the Local Planning Authority retains effective control over the development and to ensure that there is no significant deterioration in the condition of the building contrary to Policies G1 and H16 of the Ribble Valley Districtwide Local Plan

7. All doors and windows shall be in timber and retained as such in perpetuity.

Reason: To comply with Policies G1, H16 and H17 of the Ribble Valley Districtwide Local Plan to ensure a satisfactory standard of appearance in the interests of visual amenity.

8. All new and replacement door and window head and sills shall be natural stone to match existing.

Reason: To comply with Policies G1, H16 and H17 of the Ribble Valley Districtwide Local Plan to ensure a satisfactory standard of appearance in the interests of visual amenity.

9. All new and replacement gutters shall be cast iron or aluminium supported on 'drive in' galvanised gutter brackets.

Reason: To comply with Policies G1, H16 and H17 of the Ribble Valley Districtwide Local Plan to ensure a satisfactory standard of appearance in the interests of visual amenity.

10. Precise specifications and samples of walling and roofing materials and details of any window and door surrounds including materials to be used shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan).

11. All works necessary to form the owl roost box in the north eastern elevation of the building must be completed to the written satisfaction of the Local Planning Authority prior to the commencement of works on the interior of the barn.

Reason: In order to comply with Policies G1, ENV7 and H16 of the Ribble Valley Districtwide Local Plan ensuring that a safe nesting place is provided for the species previously identified and protected by the Wildlife and Countryside Act 1981

Relevant planning policy

Policy G1 - Development Control.
Policy G5 - Settlement Strategy
Policy ENV3 - Development in Open Countryside.
Policy H3 - Agricultural Workers Dwellings.
Policy H17 - Building Conversions - Design Matters.
Policy RI1 - General Recreation and Tourism Policy.
Policy RI3 - Conversion of Buildings to Tourism Related Uses.

Summary of reasons for approval

The proposal has no significant detrimental visual impact.

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
4. Under the terms of the Water Resources Act 1991 an abstraction licence may be required from the Environment Agency for the abstraction of water from any inland or underground strata. This is dependant on water resources availability and may not be granted or may be granted subject to restrictive conditions

STEWART BAILEY
CHIEF PLANNING OFFICER