

33 OCT 2011

For office use only

Application No: 320110820P

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	First name:	Stephen	Surname:	Davenport
Company name:					
Street address:	Throstle Nest Farm		Country Code:		Extension Number:
	Grunsagill		Telephone number:		
			Mobile number:		
Town/City:	Tosside		Fax number:		
County:	Lancashire		Email address:		
Country:	England				
Postcode:	BD23 4SJ				
Are you an agent acting on behalf of the applicant? ☒ Yes ☐ No					

2. Agent Name, Address and Contact Details

Title:	Mr	First Name:	Andrew	Surname:	Walker
Company name:	The Planning & Development Network				
Street address:	Stanley House Lowergate		Country Code:		Extension Number:
			Telephone number:	01200443107	
			Mobile number:	07808003035	
Town/City:	Clitheroe		Fax number:		
County:	Lancashire		Email address:		
Country:	United Kingdom				
Postcode:	BB7 1AD		awalker@jwpc.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

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: Surname:

Reference:

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

Details of the pre-application advice received:

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**

320110820P

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

8. Certificates (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.

(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:

PLANNING SUPPORT STATEMENT

APPLICATION TO REMOVE CONDITION 15 OF APPLICATION 3/2006/0836

BUTCHERS LAITHE, KNOTTS LANE, TOSSIDE

1. Condition 15 of application 3/2006/0836 restricts occupancy of the building so that it cannot be let to or occupied by any one person for a continuous period of longer than 3 months in any one year and in any event shall not be used as permanent accommodation. The applicant is aware of similar cases elsewhere in the Borough where similar restrictions have recently been lifted to allow permanent residential use and seeks a similar release from the restriction on Butchers Laithe.
2. The reason for imposing the Condition on the application was given as "in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Interim SPG Housing."
3. In a pre-application consultation 2010/ENQ/00508 dated 10th December 2010 the reply indicated that the use of the premises as a permanent residential dwelling would be contrary to Local Plan policies G1, ENV1, H15, H16 and H17. This Statement will deal with these policy issues in turn.
4. Dealing first with the Interim SPG, this imposed restrictions on new residential development against a background where the Borough was in a significant housing over-supply situation. The basis for the policy position taken by the SPG was PPG 3 and the emerging Lancashire Structure Plan of 2002. All of these policy documents are now out of date and the Borough is currently in a situation of undersupply. As such the SPG no longer provides a valid basis for refusing this application.
5. The policies of the Local Plan referred to are also not relevant to this proposal. Policy G1 is the general development control policy and the fact that application 3/2006/0836 was approved indicates compliance with this policy. Nothing in this policy would suggest that a holiday let is acceptable but a permanent dwelling is not. Similarly, Policy ENV 1, which is concerned with the protection of the AONB, relates to all developments and not just to permanent residential uses. As such the considerations which applied to the original consent are unchanged by the removal of Condition 15.
6. An objection to the removal of the condition based on Policies H15, H16 and H17 is also difficult to justify. These policies relate to the conversion of rural buildings and deal with issues such as impact on public utilities, landscape and environment, the condition of the building and design. These are all considerations which applied equally to the approved scheme. Indeed, these policies in the 1998 Local Plan support conversions to residential use and it was only subsequent housing supply issues which led to restrictions on such uses.

320110820P

7. As noted earlier the factors which gave rise to refusals on housing policy grounds have now changed and this is evidenced by recent approvals allowing the removal of occupancy restrictions. The applicant is aware of six recent (2011) applications which have been granted including 3/2011/0439 which removed occupancy restrictions on two holiday cottages in Tosside. These approvals clearly set a policy precedent which applies to and supports this application.