



RIBBLE VALLEY
BOROUGH COUNCIL

27 OCT 2011

FOR THE
ATTENTION OF

For office use only

Application No.

Date received

Fee paid £

Receipt No:

320110900P

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:	Mrs	First name:	J	Surname:	Wilkinson		
Company name:							
Street address:	C/o Agent				Country Code	National Number	Extension Number
					Telephone number:		
					Mobile number:		
Town/City:					Fax number:		
County:					Email address:		
Country:							
Postcode:							

Are you an agent acting on behalf of the applicant? ☒ Yes ☐ No

2. Agent Name, Address and Contact Details

Title:		First Name:	Alan	Surname:	Kinder		
Company name:	Reedley Town Planning						
Street address:	2 Reedley Business Centre Redman Road				Country Code	National Number	Extension Number
	Reedley				Telephone number:	01282834834	
					Mobile number:		
Town/City:	Burnley				Fax number:		
County:	Lancashire				Email address:		
Country:	United Kingdom						
Postcode:	BB10 2TY				planning@reedley.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

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

8. Certificates (Agricultural Land Declaration)

Agricultural Land Declaration

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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

REEDLEY

CHARTERED TOWN PLANNING
&
ARCHITECTURAL CONSULTANCY

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 UNITS 3 & 4 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

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. Equally consent has just been granted to release the occupancy restrictions on units 1 & 2 on this development.
- 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 the two remaining dwellings occupation as a

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permanent residential units does not preclude their 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
2 Reedley Business Centre, Redman Road, Reedley, Burnley BB10 2TY
01282 - 834834

October 2011