



RIBBLE VALLEY
BOROUGH COUNCIL

28 OCT 2011

For office use only

Application No. 320110911P

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:		Surname:	
Company name:	E Simpson & Sons				
Street address:	C/o Agent				
Town/City:					
County:					
Country:					
Postcode:					
					Country Code
					National Number
					Extension Number
					Telephone number:
					Mobile number:
					Fax number:
					Email address:
Are you an agent acting on behalf of the applicant?					☒ Yes ☐ No

2. Agent Name, Address and Contact Details

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

3. Site Address Details

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

Description:

House:		Suffix:	
House name:	ASPINALL FARM		
Street address:	KENYON LANE		
	DINCKLEY		
Town/City:	BLACKBURN		
County:			
Postcode:	BB6 8AN		
Description of location or a grid reference (must be completed if postcode is not known):			
Easting:	369475		
Northing:	436163		

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:

Change of use of barn as dwelling for holiday letting. Resubmission.

Application reference number: 3/2003/0836

Date of decision: 25/11/2003

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

Condition number(s):

14

Has the development already started?

☐ Yes ☒ No

6. Condition(s) - Removal

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

To allow the dwelling to be used as permanent residential accomodation

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

N/a

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:	Mr	First name:	A	Surname:	Kinder
Person role:	Agent		Declaration date:	27/10/2011	☒ Declaration made

8. Certificates (Agricultural Land Declaration)

Agricultural Land Declaration

320110911P

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: HOLIDAY LET COTTAGE, ASPINALL FARM, DINKLEY****PROPOSAL: REMOVAL OF CONDITION 14 FROM PLANNING PERMISSION 3/2003/0836 TO ALLOW THE PROPERTY TO BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION**

- 1 Aspinall Farm is situated to the west of Brockhall Village. The farm comprises the original farmhouse and garden, a traditional barn the subject of an application for conversion to 2 dwellings and a range of more modern agricultural buildings and a traditional stone barn converted for use as self-catering holiday accommodation (planning reference 3/2003/0836) the subject of this application.
- 2 Access to the farm is obtained via a track which runs from Kenyon Lane, Dinkley. Accordingly the application site is located within the open countryside although the application building forms a part of a much larger farmyard grouping.
- 3 Of relevance to this proposal is condition No.14 on consent 3/2003/0836 which reads as follows:

"The unit 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 to view 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 2002 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 removal of the condition allowing the remaining dwellings occupation as a permanent residential unit does not preclude its ongoing use as a holiday cottage, and at the present time it is in fact my client's intention to continue to promote the use of the unit in this manner

Reedley Chartered Town Planning and Architectural Consultancy
2 Reedley Business Centre, Redman Road, Reedley, Burnley BB10 2TY
01282 - 834834

October 2011