



RIBBLE VALLEY
BOROUGH COUNCIL

For office use only

Application No.

320111058 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	First name:	Martyn	Surname:	Schofield
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:	Mr	First Name:	Paul	Surname:	Tunstall
Company name:	JWPC Ltd				
Street address:	JWPC Ltd		Country Code	National Number	Extension Number
	Unit 1B Waterview		Telephone number:	01524 599980	
	White Cross		Mobile number:		
Town/City:	Lancaster		Fax number:		
County:	Lancashire		Email address:		
Country:	United Kingdom				
Postcode:	LA1 4XS		ptunstall@jwpc.co.uk		

3. Site Address Details

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

Description:

House: Suffix:
House name: BROCKTHORN
Street address:
TOSSIDE
Town/City: SKIPTON
County:
Postcode: BD23 4SX

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

Easting: 375824
Northing: 455103

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:

Proposed adaptation and re-use of redundant barn to one dwelling and two holiday cottages.

Application reference number: 3/2010/0693

Date of decision: 09/12/2010

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

Condition number(s):

Conditions 4 and 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:

See Attached Statement

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

Condition 4 to read: 'All the external works for the development hereby permitted shall be completed before the expiration of three years from the date of this permission'
Condition 14 to read: 'The holiday-let unit of accommodation (Unit 3) 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 permanent accommodation. A register of such lettings shall be kept and made available to the Local Planning Authority to inspect on an annual basis'

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: Paul Surname: Tunstall

Person role: Agent

Declaration date: 30/11/2011

☒ Declaration made

8. Certificates (Agricultural Land Declaration)

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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.

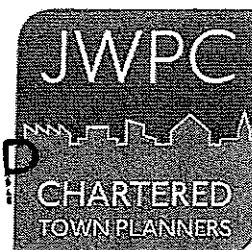


Date

Our Ref: PT/MW/11/C/127

14th December 2011

320111058



Graeme Thorpe
Development Services Department
Ribble Valley Borough Council
Church Walk
Clitheroe
Lancs BB7 2RA

IB Waterview
White Cross
Lancaster
Lancashire LA1 4XS
Tel: 01524 599980
Fax: 01524 599989
Email: enquiries@jwpc.co.uk

Dear Graeme,

RE: APPLICATION TO VARY CONDITIONS 4 AND 14 OF PLANNING APPLICATION 3/2010/0693 – PROPOSED ADAPTATION AND RE-USE OF BROCK THORN BARN TO ONE DWELLING AND TWO-HOLIDAY COTTAGES

I refer to the above planning application that was granted by your Council as Local Planning Authority on 9 December 2010. I have been instructed by the application (Mr M Schofield) to make an application to you to vary two of the sixteen planning conditions in order that he can finally implement and deliver the development and subsequent conservation of this attractive rural building.

In particular, the applicant wishes to seek a variation to Condition 4 which requires that '*all external works of the development....shall be completed before the expiration of two years from the date of this permission*'. That deadline in one year's time and as of today, he has yet to implement the planning permission. It is apparent that he will not comply with Condition 4 by the deadline imposed. This application therefore seeks to vary this condition to extend this period from two years to three years. It is not proposed to amend Condition 1 (indeed this is not possible under the variation of condition route) but it is anticipated that Condition 1 can be adhered to and it is my client's intention to commence works next year.

However, the size of the building and the funding required to substantially complete the exterior makes the deadline imposed by Condition 4 difficult to adhere to. The proposed

Offices also at:

Oxford
Tel: 01993 814580

London
Tel: 020 7687 7606

www.jwpc.co.uk

variation of Condition 4 simply allows my client sufficient time to carry out the external works such as re-roofing, localised rebuilding of small parts of the walls (as previously set out in the structural report which accompanied the application), pointing up and insertion of the timber windows.

Structurally, there has been no change to the exterior or internal fabric of the building and the approved scheme can therefore still be implemented in accordance with the approved plans. As inspection of the application site would confirm this to officers.

Although specific planning conditions such as this are not something considered by Central Government guidance or policy, it is material that publication of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 was made in order to make it easier for applicants to keep consents alive, in what are proving difficult economic times and when lending from traditional sources to the house building and construction sectors has diminished significantly. In this case, those factors have contributed to the failure to achieve compliance with the requirements of Condition 4 of the planning permission and therefore the Local Planning Authority is requested to agree to a variation to this condition so that the consent can be implemented and additional housing and holiday accommodation delivered.

The second aspect of this application is to secure the variation of Condition 14. This currently attaches strict occupancy limits to the use of the two holiday cottages shown on the approved plan. Part of the reason for the failure to implement the planning permission is the perceived viability of the scheme, due in part to the value of the holiday let accommodation and partly because of increased build costs over the past 18 months or so. Moreover, my clients daughter, who was cited in the original application as the manager of the holiday cottages as part of a equestrian-based recreation business, has chosen to follow a different career path and as such the business model for the development is no longer attainable. Nonetheless, the applicants do see merit in the retention of one unit of holiday accommodation and with the ability to rent or sell two dwellinghouses, the entire project will become financially viable. It is therefore proposed to retain Unit 3 shown on the attached drawing (3987-02C) which has previously been approved whilst Unit 2 will become a normal dwellinghouse unencumbered by planning condition 14.

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My clients are mindful of the previous planning condition variations that have been approved at many other sites, including the adjacent High Laithe Barn (Application 3/2011/0439) which proposed the removal of a similar condition on both holiday cottages. It is clear that the above planning application and others in the Borough continue to fall to be considered against Policy H15 of the Ribble Valley Local Plan. This permits such uses subject to a number of criteria and provided that the building to be 'converted'

To that end, it is requested that Condition 14 be varied so that only one of the two holiday cottages be subject to the occupancy condition and by default, one is able to be used as a normal permanent dwellinghouse.

I trust you are able to consider the enclosed application favourably which seeks to facilitate the development to progress on a viable basis and will result in the conservation of an attractive rural building which makes a positive contribution to the Forest of Bowland Area of Outstanding Natural Beauty. There are no planning policies within the Development Plan that would prevent such an application being supported and therefore Section 38(6) of The Act requires that it should be approved, given that there are no other material planning considerations that indicate otherwise.

Should you have any queries or require any further information then please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Tunstall', written in a cursive style.

Paul Tunstall MRTPI

Director