



RIBBLE VALLEY
BOROUGH COUNCIL

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA Tel: 01200 425111 www.ribblevalley.gov.uk

04 JUL 2013

FOR THE
ATTORNEY GENERAL

For office use only

Application No.

Date received

Fee paid £

Receipt No:

320120870P

Application for Planning Permission.

Town and Country Planning Act 1990

AMENDED PLANS RECEIVED

1 JULY 2013

You can complete and submit this form electronically via the Planning Portal by visiting www.planningportal.gov.uk/apply

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.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title: MR MR First name: MICHAEL
Last name: CREICHTON
Company (optional):
Unit: House number: House suffix:
House name:
Address 1: DOVE SYKE NURSERY
Address 2: ELVES HALL LANE
Address 3: WEST BRADFORD
Town: CLITHEROE
County: LANCASHIRE
Country:
Postcode: BB7 3TG

2. Agent Name and Address

Title: MR First name: GARY
Last name: HOERTY
Company (optional): GARY HOERTY ASSOCIATES
Unit: 6-8 House number: House suffix:
House name:
Address 1: CHURCH STREET
Address 2:
Address 3:
Town: CLITHEROE
County: LANCASHIRE
Country:
Postcode: BB7 2DG

3. Description of the Proposal

Please describe the proposed development, including any change of use:

PLANNING APPLICATION FOR THE CHANGE OF USE OF AN AGRICULTURAL BUILDING WITH OFFICE AND STAFF FACILITIES TO MIXED USE FOR AGRICULTURAL; OFFICE; STAFF FACILITIES AND CIDER MAKING. (RETROSPECTIVE)

Has the building, work or change of use already started?

☒ Yes

☐ No

If Yes, please state the date when building, work or use were started (DD/MM/YYYY):

(date must be pre-application submission)

Has the building, work or change of use been completed?

☐ Yes

☐ No

If Yes, please state the date when the building, work or change of use was completed: (DD/MM/YYYY):

(date must be pre-application submission)

4. Site Address Details

Please provide the full postal address of the application site.

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (optional):

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

Easting: Northing:

Description:

5. 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).

Please tick if the full contact details are not known, and then complete as much as possible: ☐

Officer name:

Reference:

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

Details of pre-application advice received?

6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway? ☐ Yes ☒ No

Is a new or altered pedestrian access proposed to or from the public highway? ☐ Yes ☒ No

Are there any new public roads to be provided within the site? ☐ Yes ☒ No

Are there any new public rights of way to be provided within or adjacent to the site? ☐ Yes ☒ No

Do the proposals require any diversions /extinguishments and/or creation of rights of way? ☐ Yes ☒ No

If you answered Yes to any of the above questions, please show details on your plans/drawings and state the reference of the plan (s)/drawings(s)

7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? ☐ Yes ☒ No

If Yes, please provide details:

Have arrangements been made for the separate storage and collection of recyclable waste? ☐ Yes ☒ No

If Yes, please provide details:

8. Authority Employee / Member

With respect to the Authority, I am: (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

Do any of these statements apply to you? ☐ Yes ☒ No

If Yes, please provide details of the name, relationship and role

9. Materials

If applicable, please state what materials are to be used externally. Include type, colour and name for each material:

	Existing (where applicable)	Proposed	Not applicable	Don't Know
Walls	DARK GREEN BOX PROFILE CLADDING	AS EXISTING	☐	☐
Roof	DARK GREEN BOX PROFILE WITH TRANSLUCENT ROOF SHEETS	"	☐	☐
Windows	WHITE uPVC	"	☐	☐
Doors	WHITE uPVC	"	☐	☐
Boundary treatments (e.g. fences, walls)			☒	☐
Vehicle access and hard-standing	HARDWARE	"	☐	☐
Lighting			☒	☐
Others (please specify)	RWS'S BLACK uPVC	"	☐	☐

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

☒ Yes

☐ No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

DESIGN AND ACCESS STATEMENT x 3
PLANNING STATEMENT x 3
DRAWING REFERENCES: CRE/573/1508/02+03

10. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of Vehicle	Total Existing	Total proposed (including spaces retained)	Difference in spaces
Cars	25	25	0
Light goods vehicles/ public carrier vehicles	—	—	—
Motorcycles	—	—	—
Disability spaces	—	—	—
Cycle spaces	—	—	—
Other (e.g. Bus)	—	—	—
Other (e.g. Bus)	—	—	—

11. Foul Sewage

Please state how foul sewage is to be disposed of:

- ☐ Mains sewer ☐ Cess pit
☐ Septic tank ☐ Other
☒ Package treatment plant

Are you proposing to connect to the existing drainage system? ☐ Yes ☐ No

If Yes, please include the details of the existing system on the application drawings and state references for the plan(s)/drawing(s):

NO CHANGE

12. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

☐ Yes ☒ No

If Yes, you will need to submit a Flood Risk Assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

☐ Yes ☒ No

Will the proposal increase the flood risk elsewhere?

☐ Yes ☒ No

How will surface water be disposed of?

- ☐ Sustainable drainage system ☐ Existing watercourse
☒ Soakaway ☐ Pond/lake
☐ Main sewer

13. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

a) Protected and priority species:

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

b) Designated sites, important habitats or other biodiversity features:

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

c) Features of geological conservation importance:

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

14. Existing Use

Please describe the current use of the site:

AGRICULTURAL BUILDINGS WITH OFFICES, STAFF FACILITIES AND FOR CIDER MAKING.

Is the site currently vacant?

☐ Yes ☐ No

If Yes, please describe the last use of the site:

When did this use end (if known)?
DD/MM/YYYY

(date where known may be approximate)

Does the proposal involve any of the following?

If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated?

☐ Yes ☒ No

Land where contamination is suspected for all or part of the site?

☐ Yes ☒ No

A proposed use that would be particularly vulnerable to the presence of contamination?

☐ Yes ☒ No

15. Trees and Hedges

Are there trees or hedges on the proposed development site?

☐ Yes ☒ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

☐ Yes ☒ No

If Yes to either or both of the above, you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

16. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste?

☐ Yes ☒ No

If Yes, please describe the nature, volume and means of disposal of trade effluents or waste

17. Residential Units (Including Conversion)

Does your proposal include the gain, loss or change of use of residential units?

☐ Yes☒ No

If Yes, please complete details of the changes in the tables below:

Proposed Housing

Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Social Rented	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Intermediate	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Key worker	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Total proposed residential units (A + B + C + D) =**Existing Housing**

Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Social Rented	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Intermediate	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Key worker	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a + b + c + d + e + f + g) =							

Total existing residential units (E + F + G + H) =**TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):**

18. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace? ☐ Yes ☐ No

If you have answered Yes to the question above please add details in the following table:

Use class/type of use	Not applicable	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross internal floorspace proposed (including change of use)(square metres)	Net additional gross internal floorspace following development (square metres)
A1 Shops	☐				
Net tradable area:	☐				
A2 Financial and professional services	☐				
A3 Restaurants and cafes	☐				
A4 Drinking establishments	☐				
A5 Hot food takeaways	☐				
B1 (a) Office (other than A2)	☐	29	0	29	0
B1 (b) Research and development	☐				
B1 (c) Light industrial	☐				
B2 General industrial	☐				
B8 Storage or distribution	☐				
C1 Hotels and halls of residence	☐				
C2 Residential institutions	☐				
D1 Non-residential institutions	☐				
D2 Assembly and leisure	☐				
OTHER CIDER MAKING	☐	0	0	44	44
Please Specify AGRICULTURE	☐	143	33	110 (MIXED USE)	-33
Total		172	33	182	11

In addition, for hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms

Use class	Type of use	Not applicable	Existing rooms to be lost by change of use or demolition	Total rooms proposed (including changes of use)	Net additional rooms
C1	Hotels	☐			
C2	Residential Institutions	☐			
OTHER		☐			
Please Specify		☐			

19. Employment

Please complete the following information regarding employees:

	Full-time	SEASONAL Part-time	Total full-time equivalent
Existing employees	2	8	2
Proposed employees	2	8	2

20. Hours of Opening

Please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Not known
CIDER MAKING	9-6	9-6	10-4	
NURSERY USE	9-6	9-6	10-4	

21. Site Area

Please state the site area in hectares (ha) 0.024

22. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

Is the proposal a waste management development? ☐ Yes ☒ No

If the answer is Yes, please complete the following table:

	Not applicable	The total capacity of the void in cubic metres, including engineering surcharge and making no allowance for cover or restoration material (or tonnes if solid waste or litres if liquid waste)	Maximum annual operational throughput in tonnes (or litres if liquid waste)
Inert landfill	☐		
Non-hazardous landfill	☐		
Hazardous landfill	☐		
Energy from waste incineration	☐		
Other incineration	☐		
Landfill gas generation plant	☐		
Pyrolysis/gasification	☐		
Metal recycling site	☐		
Transfer stations	☐		
Material recovery/recycling facilities (MRFs)	☐		
Household civic amenity sites	☐		
Open windrow composting	☐		
In-vessel composting	☐		
Anaerobic digestion	☐		
Any combined mechanical, biological and/or thermal treatment (MBT)	☐		
Sewage treatment works	☐		
Other treatment	☐		
Recycling facilities construction, demolition and excavation waste	☐		
Storage of waste	☐		
Other waste management	☐		
Other developments	☐		

Please provide the maximum annual operational throughput of the following waste streams:

Municipal	
Construction, demolition and excavation	
Commercial and industrial	
Hazardous	

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make clear what information it requires on its website.

23. Hazardous Substances

Does the proposal involve the use or storage of any of the following materials in the quantities stated below? ☐ Yes ☒ No ☐ Not applicable

If Yes, please provide the amount of each substance that is involved:

Acrylonitrile (tonnes)		Ethylene oxide (tonnes)		Phosgene (tonnes)	
Ammonia (tonnes)		Hydrogen cyanide (tonnes)		Sulphur dioxide (tonnes)	
Bromine (tonnes)		Liquid oxygen (tonnes)		Flour (tonnes)	
Chlorine (tonnes)		Liquid petroleum gas (tonnes)		Refined white sugar (tonnes)	

Other:

Other:

Amount (tonnes):

Amount (tonnes):

24. Ownership Certificates and Agricultural Land Declaration

One Certificate A, B, C, or D, must be completed with this application form

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* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

Name of Owner / Agricultural Tenant	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

24. Ownership Certificates and Agricultural Land Declaration (continued)

CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners* and/or agricultural tenants** of the land or building, or of a part of it, but I have/ the applicant has been unable to do so.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

The steps taken were:

Name of Owner / Agricultural Tenant	Address	Date Notice Served

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

CERTIFICATE OF OWNERSHIP - CERTIFICATE D

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land to which this application relates, but I have/ the applicant has been unable to do so.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

The steps taken were:

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

25. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a completed and dated application form:



The correct fee:



The original and 3 copies of the plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:



The original and 3 copies of a design and access statement, if required (see help text and guidance notes for details):



The original and 3 copies of other plans and drawings or information necessary to describe the subject of the application:



The original and 3 copies of the completed, dated Ownership Certificate (A, B, C or D – as applicable) and Article 12 Certificate (Agricultural Holdings):



26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

(date cannot be pre-application)

27. Applicant Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

28. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

29. 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)

☒ Agent

☐ Applicant

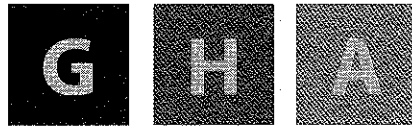
☐ Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:

Telephone number:

Email address:



Gary Hoerty Associates

320120870P

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PLANNING STATEMENT

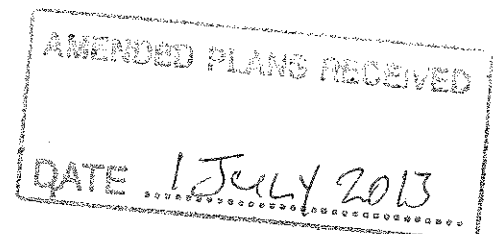
**IN RESPECT OF A PLANNING APPLICATION
(PART RETROSPECTIVE) FOR THE CHANGE OF
USE OF A AN AGRICULTURAL BUILDING TO
MIXED USE FOR AGRICULTURE AND CIDER
MAKING**

AT

**DOVE SYKE NURSERY, EAVES HALL LANE,
WEST BRADFORD, CLITHEROE, BB7 3JG**

FOR AND ON BEHALF OF:

MR AND MRS M CREIGHTON



Prepared by:
Our Ref:
Date:

Gary Hoerty BSc (Hons) MRICS FAAV
Cre/573/1508/GH
June 2013



Chartered Surveyors ■■■ Planning & Development ■■■ Land Agents
Valuers ■■■ Property Agency ■■■ Property Management



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1. INTRODUCTION

- 1.1 Gary Hoerty Associates has been instructed by Mr and Mrs M Creighton to submit a planning application (part retrospective) on their behalf for the change of use of a building which was approved under planning application number 3/2007/0603 as an agricultural building to house office and staff facilities to a mixed use for agriculture, office, staff facilities and cider making. The change of use of the building for cider production has already taken place, some windows have been added and rooms have been created at first floor in part of the building without permission. The unauthorised development has resulted in the necessity to submit this part retrospective planning application in order to regularise changes that have taken place without the specific grant of planning consent as well as seeking permission for holiday cottage use.
- 1.2 We set out in this planning statement the recent planning history of the nursery in so far as it is relevant to the application; we review the recent use of the building and the activities that are presently operated from the building and the circumstances that have led to the preparation and submission of this planning application and we will assess the proposed development against relevant national, regional and local planning policy. We will demonstrate clearly that the proposal complies with planning policy and should therefore be supported by the Council.

2. PLANNING HISTORY

- 2.1 There have been a number of planning applications at Dove Syke Nursery in recent years and we set out below those that we consider to be relevant to this planning application.
- 2.2 Planning application number 3/2007/0603 was for an agricultural building to house office and staff facilities. Application to leave building C standing. The application was approved with conditions on 15 August 2007. This was a very similar application to 3/2005/1005 with the main difference being the proposed retention of building C. The development approved in this application was implemented.
- 2.3 The planning consent granted under application number 3/2007/0603 contains a specific restriction on the use of the proposed building, condition number 8 states *"the building hereby permitted shall be used to house an office, workers' amenities and planting/loading facilities in connection with the existing nursery business on site at present and for no other purpose"* and there is also an hours of operation condition number 9 which states that *"the use of the premises for customers in accordance with this permission shall be restricted to hours between 8am and 6pm Monday to Saturday and 9am to 4pm on Sundays."*

- 2.4 Planning application number 3/2005/1055 was for an agricultural building to house office, workers' amenities and planting and loading facilities. The application was approved with conditions on 8 February 2006.
- 2.5 Planning application number 3/2005/0650 was for an extension to existing storage shed to provide a covered loading area. The application was approved with conditions on 26 August 2005.
- 2.6 Planning application number 3/2005/0646 was for an office building with staff changing/washroom facilities and storage for existing nursery. The application was withdrawn on 18 October 2005.

3. THE APPLICATION SITE

- 3.1 Dove Syke Nursery is located approximately one mile north west of the village of West Bradford and is accessed off Eaves Hall Lane. The site is rural in nature and is situated within the Forest of Bowland Area of Outstanding Natural Beauty as designated within the Ribble Valley Districtwide Local Plan.
- 3.2 The application site is a steel portal frame building which was approved under application number 3/2007/0603 the building measures 20.55m x 12.1m measured externally and has a lean-to on the gable which measures 3.5m x 12.1m, which does not form part of this application. The building has an eaves height of 5m and a ridge height of 5.8m and the roof and external wall are clad in dark green box profile cladding with a roller shutter door at the end of the front and rear elevation and a series of uPVC windows and doors as shown on the plans submitted with the application.
- 3.3 The application building is divided into two distinct areas at ground floor the first is open to the underside of the roof and relatively open and is used for the nursery business and cider making and the second area is subdivided into a series of rooms and has a first floor over it which has also been divided into a series of rooms. The existing internal layout of the building can be seen in the plans submitted with the application.
- 3.4 The building is put to various uses the large open area is used in connection with the nursery/landscaping business and also for cider production; there is a room primarily dedicated to wreath production; a ground floor office and associated store and a living/dining kitchen area and toilet and shower facilities which are used on a daily basis by the applicant's and their staff in connection with the operation of the business and represent permitted use and the first floor rooms provide additional storage space and office, occasionally being used as a bedroom by the applicants.

- 3.5 Our clients own approximately 11 acres of land surrounding the building, which is primarily used for the growing of several varieties of Christmas trees but includes an orchard area, some polytunnels and some free range hens. The applicant's rent further land adjoining their own which is also planted with Christmas trees.

4. BACKGROUND INFORMATION IN RESPECT OF THE HISTORIC AND CURRENT USE OF DOVE SYKE NURSERY.

- 4.1 Michael Creighton has owned Dove Syke Nursery for 27 years and he and Joanna operate a number of business enterprises from the nursery, Michael runs a landscaping business which operates throughout the year from the base provided by the nursery; he also manages the production of Christmas trees which involves planting, weeding, watering, pruning and pest control and for a period over Christmas the harvesting and sale of trees and ancillary products such as wreaths and sundries will occupy all of his and Joanna's time. The couple also operate a semi commercial cider production business and sell hedging plants and trees, they have in the past sold a wide range of garden plants but this aspect of the business was not financially viable. In addition to working at the nursery Joanna works part time at Clitheroe Hospital. Michael and Joanna live at West Bradford but occasionally stay at the nursery during the year and in particular over the Christmas period when the risk of theft is very high.
- 4.2 Michael and Joanna employ two people full time and eight people seasonally at Christmas and a similar number when they host cider festival events. Small businesses like theirs are important contributors to the rural economy.
- 4.3 Michael and Joanna have been amateur brewers of cider and beer for many years and this coupled with the availability of apples from their own and other small local orchards gave rise to their interest in becoming semi commercial cider producers. After visiting other small scale producers to investigate the viability of the proposed enterprise they happened to visit a producer who was ceasing production and were able to acquire his equipment and began the commercial cider making operation in 2011.
- 4.4 The cider production enterprise is small scale and currently results in the production of 18,000litres of cider; 3,000 litres from their own apples and 15,000litres from purchased apple juice. The cider making equipment comprises 5 x 3,000litre vats, twin bed press, apple mill pulper and washer, pasteuriser and bottling equipment. The cider making activity takes place in the western part of the building which is open to the underside of the roof and occupies approximately 33m² and there is a small mezzanine area over part of this space which is used for storage. The majority of the rest of this area is in mixed use by all of the enterprises that are undertaken at the nursery.

- 4.5 One of the ground floor rooms is used predominantly as a Christmas wreath production area; there is a ground floor office and associated store; a living area which is an open plan kitchen, dining area and lounge and a w.c and shower room and there are a number of first floor rooms which are mainly used for storage although the applicants do use one room as an office/occasional bedroom as referred to above.
- 4.6 Michael and Joanna have begun planting apple trees at the nursery and it is their intention to plant more apple and pear trees at the site in future years and they are looking at renting orchards with a view to becoming self sufficient in the production of apple juice. Currently our clients buy the product wholesale and there is therefore minimal vehicle movement and activity at the site. The future plantation of more orchards at the site will subsequently result in even less vehicle movements.
- 4.7 The Council contacted our clients on 20 August 2012 informing them that that they would need to submit a planning application in respect of their use of the agricultural building for cider production in order to avoid any potential enforcement action.

5. THE PROPOSED DEVELOPMENT

- 5.1 The proposed development which is retrospective involves the change of use of a building approved for agricultural and incorporating office and staff facilities to a mixed use for agriculture, office, staff facilities and cider making. The development also involves the regularisation of the creation of several new window openings and the creation of first floor storage accommodation within part of the building.
- 5.2 The cider making operation is semi-commercial and fairly small scale, currently producing 18,000 litres of cider per annum, with a maximum capacity of equipment currently sited within the building of approximately 18,000 litres. The cider is predominantly sold on a wholesale basis although there are some direct sales generally from the nursery and during cider festivals which are held intermittently at the property under permitted development rights. The change of use to cider production relates to only part of the building with approximately 33m² being set aside solely to cider production activity and the balance of that part of the building within which the equipment is located being used for mixed use associated with nursery landscaping activity and cider production.

6. PLANNING CONSIDERATIONS

- 6.0.1 Local planning authorities are required by the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the statutory development plan unless material

considerations indicate otherwise. The statutory development plan with regard to the application site comprises the saved policies of the Ribble Valley Districtwide Local Plan (June 1998) and the relevant policies of the Council's Core Strategy 2008/2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft. Given that the local plan was adopted in 1998 and is now 15 years old, certain policies contained within it are now out of date. Although the Council submitted their Core Strategy to the Secretary of State a six month suspension was granted by the Planning Inspectorate to enable the Council to update its evidence base, which will cause at least a twelve month delay in the adoption of the Core Strategy. The Inspectorate found the Council's evidence for housing, employment land, retail land and traveller accommodation to be out of date. Although the Council's core strategy regulation 22 submission draft document has not been adopted it is a material consideration when considering planning applications and development proposals must conform to the relevant policies of this document.

- 6.0.2 The relevant national policy is the National Planning Policy Framework (NPPF) which was adopted in March 2012.
- 6.0.3 The application site is shown on the local plan proposals map as located within an area designated as The Forrest of Bowland Area of Outstanding Natural Beauty. The relevant saved local plan policies of the Ribble Valley Districtwide Local Plan are Policy G1 which is a general policy against which all development proposals are assessed; Policy G5 which deals with development outside the main settlement boundaries; Policy ENV1 which deals with development in the area of outstanding natural beauty; Policy EMP9 which deals with the conversion of barns and other rural buildings for employment uses and Policy EMP12 which deals with agricultural diversification.
- 6.0.4 The Council's Core Strategy Regulation 22 Submission Draft contains a number of key statements and development policies of which the following are relevant to this application: DS2 Sustainable Development and DMB1 Supporting Business Growth and the Local Economy.
- 6.0.5 We set out below extracts from the relevant documents and assess the application against all the appropriate policies and guidance.

6.1 National Planning Policy

- 6.1.1 The main national planning policy guidance is set out in the National Planning Policy Framework (NPPF).

National Planning Policy Framework (NPPF)

- 6.1.2 The adoption of the National Planning Policy Framework in March 2012 means that it is now the main national planning policy guidance influencing planning decision making and replaces a substantial number of documents previously in place. *"The National Planning*

Policy Framework sets out the Government's planning policies for England and how these are expected to be applied, it sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so."

- 6.1.3 Paragraphs 11 – 16 of the NPPF highlight the presumption in favour of sustainable development confirming that *"planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise"*. The NPPF does not change the statutory status of the development plan as the starting point for decision making and therefore proposed development that accords with an up to date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It also highlights the desirability of local planning authorities having an up to date local plan in place.

- 6.1.4 Importantly, paragraph 14 of the NPPF states:

*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **plan-making** this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

*For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

6.1.5 Paragraph 14 clearly spells out the Government's presumption in favour of allowing sustainable development unless the adverse impacts of doing so would be very significant. The approval of this application would allow sustainable development to proceed, the building which is the subject of the application already exists and is visited on a daily basis by the applicants and therefore with the exception of a limited number of deliveries and collections the development will involve very few additional vehicle movements and does not involve any building works and is therefore sustainable. There are no adverse impacts of allowing the development to proceed.

6.1.6 Paragraph 15 states:

"Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally."

6.1.7 Paragraph 19 states:

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

6.1.8 Section three of the NPPF highlights the Government's commitment to 'Supporting a prosperous rural economy' and chapter 28 states that:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses;*
- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*

- *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.*

6.1.9 The approval of this application will support the growth and expansion of a rural business which will be diversified as a consequence of the development and its approval will help safeguard jobs as well as supporting the economy of the area generally. The NPPF clearly supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

6.1.9 Annex 1 of the NPPF provides guidance on the implementation of the policies in the framework which are applicable from the day of publication. It identifies that for the purpose of decision taking the policies in the local plan should not be considered out of date simply because they were adopted prior to the publication of this framework. However it goes on to state that the policies contained in this framework are material considerations which local planning authorities should take into account from the day of its publication and that plans needs to be revised to take into account the policies in the framework.

6.1.10 Annex 1 of the NPPF also states that *“for twelve months from the day of publication decision-takers may continue to give full weight to relevant policies adopted since 2004 where development plan documents are adopted in accordance with the Planning and Compulsory Purchase Act 2004 even if there is a limited degree of conflict with the framework. In other cases and following this twelve month period due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework; (the closer the policies in the plan to the policies in the framework, the greater weight that may be given).”*

6.1.11 We consider that the proposed development is sustainable and fully supported by the policies of the NPPF.

6.2 Local Planning Guidance

Ribble Valley Districtwide Local Plan

Policy G1

6.2.1 Policy G1 sets out general considerations for all development proposals. It states that *“development proposals will be expected to provide a high standard of building design and landscape quality. Development which does so will be permitted, unless it adversely affects the amenities of the surrounding area.”* A number of detailed criteria are then set out against which proposals will be determined, however the development proposed is primarily a change of use

requiring very little physical development and on this occasion we do not feel there to be any benefit in listing all of the criteria. One of the key criteria will involve the scale of traffic generation arising from the proposed development, which will be minimal.

Policy G5

- 6.2.2 Policy G5 sets out the criteria against which proposals outside the main settlement boundaries and village boundaries will be determined. The main policy consideration is that planning consent will only be granted for small scale proposals, subject to such proposals falling into an acceptable type of development. One of the types of acceptable development is that which is essential to the local economy or the social wellbeing of the area, small scale tourism development appropriate to the rural area or other small scale development appropriate to a rural area and which conforms to other policies in the Plan. Clearly the proposed development falls into the acceptable categories of development being small scale and benefitting the local economy.

Policy ENV1

- 6.2.3 Policy ENV1 deals with development in the Area of Outstanding Natural Beauty and states:

"The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. In addition development will also need to contribute to the conservation of the natural beauty of the area. The environmental effects of proposals will be a major consideration and the design, materials, scale, massing and landscaping of development will be important factors in deciding planning applications. The protection, conservation and enhancement of the natural environment will be the most important considerations in the assessment of any development proposal. Regard will also be had to the economic and social well-being of the area".

- 6.2.4 The proposed development involves a change of use only and no alterations to the existing building or surrounding area. This policy also encourages development proposals that will benefit the social and economic well being of the local area and the proposed development will benefit the local economy by supporting an existing rural enterprise enabling its diversification.

Policy EMP9

- 6.2.5 Policy EMP9 sets out the criteria against which proposals will be assessed in relation to the conversion of barns and other rural buildings for employment uses and states:

Planning permission will be granted for employment-generating uses in barns and other rural buildings, provided all of the following criteria are met:

(i) The proposed use will not cause unacceptable disturbance to neighbours in any way;

(ii) The building has a genuine history of use for agriculture or other rural enterprise;

(iii) The building is structurally sound and capable of conversion for the proposed use without the need for major alterations which would adversely affect the character of the building;

(iv) The impact of the proposal or additional elements likely to be required for the proper operation of the building will not harm the appearance or function of the area in which it is situated;

(v) The access to the site is of a safe standard or is capable of being improved to a safe standard without harming the appearance of the area;

(vi) The design of the conversion should be of a high standard and be in keeping with local tradition, particularly in terms of materials, geometric form and window and door openings.

6.2.6 The proposed development is the conversion of a rural building for employment uses in the context of the conversion from an approved agricultural use to a mixed use of agriculture and cider production. The production of cider will not cause any unacceptable disturbance to the neighbours and it will involve infrequent vehicular movements and is an activity that does not generate noise or smells or any other adverse effects which would disturb neighbours in any way. The building has a genuine history of agricultural use and its change of use to mixed use will not see it removed entirely from agricultural use. The building is a modern agricultural building and is therefore structurally sound and capable for mixed use without the need for any material alterations.

6.2.7 The impact of the proposal will not have any adverse impact on the appearance or function of the area in which the building is situated and there is a safe access to the site. Whilst we note the comments with regard to the design of the conversion this change of use to cider making does not in actual fact involve any physical works for conversion to the building itself. We have deliberated as to whether policy EMP 9 is a relevant policy or not and we have chosen to include it as we think it probably is a material consideration to this application.

Policy EMP12

- 6.2.8 Policy EMP12 deals with proposals for agricultural diversification and states:

Proposals for agricultural diversification will be approved, subject to other policies within the Local Plan and provided they are appropriate in both scale and character to the rural areas of the Ribble Valley and do not compromise its natural beauty.

- 6.2.9 We consider the proposal to conform to other policies of the plan and the development is appropriate in terms of scale and character to the area.

- 6.2.10 The proposed change of use of part of the agricultural building at Dove Syke Nursery will not cause any unacceptable disturbance to the neighbours in any way. There is a safe access to the site and the vehicle movements associated with the change of use would be minimal. The building is part of a group of buildings and not isolated and the approval of this proposed change of use will not result in any building works having to be undertaken.

CORE STRATEGY POLICY

Key Statement DS2: Presumption in favour of Sustainable Development.

- 6.2.11 Key Statement DS2 "presumption in favour of sustainable development" identifies that the Council when considering development proposals should take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. In the decisions that have been taken so far in respect of two earlier planning applications for residential development adjoining the application site the Council have clearly acknowledged that the development of land in this location is sustainable and therefore the development does comply with the requirements of DS2. The policy clearly states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision the Council will grant permission unless material considerations indicate otherwise, taking into account whether: any adverse impact of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in that framework indicate that development should be restricted. There are no such adverse impacts and no policies that indicate that the development should be restricted.

Key Statement DMB1 Supporting Business Growth and the Local Economy

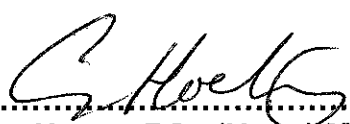
- 6.2.12 Key Statement DMB1 supporting business growth in local economy identifies that proposals that are intended to support business growth and develop local economy will be supported in principle and that the expansion of established businesses on land outside settlements will be allowed provided it is essential to maintain existing sources of employment and can be assimilated within the local landscape. It goes on to state that there may be occasions where, due to the scale of the proposal relocation to an alternative site is preferable. In this case the proposal can quite easily be accommodated within the existing building and will have no impact at all on the local landscape and is a low level type of use which will support and enhance the existing business and will safeguard employment.
- 6.2.13 There are no policies in the core strategy that would prevent the approval of the application.

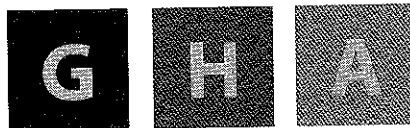
7 SUMMARY AND CONCLUSIONS

- 7.1 This is a retrospective planning application for the change of use of a building which was approved under planning application number 3/2007/0603 as an agricultural building to house office and staff facilities to a mixed use for agriculture, office, staff facilities and cider making.
- 7.2 The building that is the subject of this application is situated within a block of woodland that is owned and managed by the applicants and it cannot be seen from the wider area. The applicants run a successful diversified rural business from Dove Syke Nursery employing two people full time and many more on a seasonal/part time basis. The applicants business has developed over many years and the approval of this diversification will ensure that the business remains viable for many years to come continuing to benefit the local rural economy.
- 7.3 The cider production uses both apple juice made on site and also apple juice which is bought in and it is our client's intention to plant more apple and pear trees at the site in the future and to rent orchards in order to become self-sufficient in the cider making process. However currently our clients purchase the majority of the apple juice used in the cider making process and they predominantly sell the cider wholesale. The cider making enterprise generates minimal vehicle movement and activity at the site.
- 7.6 We have demonstrated within this report that the proposed development is in accordance with national, regional and local planning guidance. In particular we feel it important to highlight the fact that the NPPF looks favourably on sustainable economic development and

states that significant weight should be placed on the need to support economic growth through the planning system. The NPPF continues to state that in order to promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and promote the development and diversification of agricultural and other land-based rural businesses. This application will certainly achieve these clearly stated aims of the NPPF.

- 7.7 We can see no reason in planning terms for this application not to be approved and accordingly trust that the Council will look favourably upon the application and grant planning permission for the proposed development.

Signed..........Date.....1.7.2013.....
Gary Hoerty BSc (Hons) MRICS FAAV



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DESIGN AND ACCESS STATEMENT

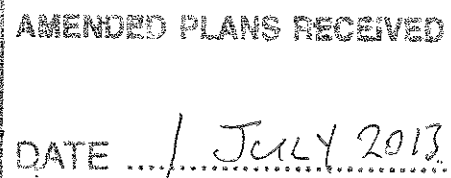
**IN RESPECT OF A PLANNING APPLICATION
(PART RETROSPECTIVE) FOR THE CHANGE OF
USE OF A AN AGRICULTURAL BUILDING TO
MIXED USE FOR AGRICULTURE AND CIDER
MAKING**

AT

**DOVE SYKE NURSERY, EAVES HALL LANE,
WEST BRADFORD, CLITHEROE, BB7 3JG**

Prepared by:
Our Clients:
Our Ref:
Date:

Gary Hoerty
Mr & Mrs M Creighton
Cre/573/1508/GH
June 2013



Chartered Surveyors ■■■ Planning & Development ■■■ Land Agents
Valuers ■■■ Property Agency ■■■ Property Management



1. Use

- 1.1 This planning application (part retrospective) is for the change of use of a building which was approved under planning application number 3/2007/0603 as an agricultural building to house office and staff facilities to a mixed use for agriculture, office, staff facilities and cider making.
- 1.2 The change of use of the building for cider production has already taken place, some windows have been added and rooms have been created at first floor in part of the building without permission. The unauthorised development has resulted in the necessity to submit this part retrospective planning application in order to regularise changes that have taken place without the specific grant of planning consent.
- 1.3 This planning application will enable our clients to continue running a successful diversified business from the nursery.

2. Amount

- 2.1 The building which is the subject of this planning application has a total gross internal floor area of 319m². This can be broken down as follows: the area of the building that is used for both agricultural use and the cider making operation has a total area of 114m² within this area the permanent equipment for cider making occupies approximately 33m², accommodating five 300litre tanks, and there is a mezzanine area that is used for storage of goods associated with cider production which is approximately 11m² the rest of the area comprises circulation space/loading area and is generally kept clear. There is a separate room which is used primarily for the production of wreaths at Christmas which measures approximately 29m². There is a ground floor office and store at the rear ground floor which measures approximately 14m² and there is a general living/kitchen area that extends to 71m². The rest of the ground floor which extends to approximately 26m² comprises a corridor, storage room and W.C facilities. The rooms at first floor extend to 103m² or thereabouts. The proposed development will not increase the existing floor area.
- 2.2 The planning application relates to the use of the building and does not with the exception of an external staircase propose any new development.
- 2.3 If the application is approved the cider making operation will continue to occupy the same area of the building as it does presently.

3. Layout

- 3.1 The internal layout of the building can be seen on the plans submitted with this planning application.

4. Landscaping

- 4.1 No landscaping is considered necessary for the proposed development in view of the fact that with the exception of an external staircase no physical development is proposed.

5. Appearance

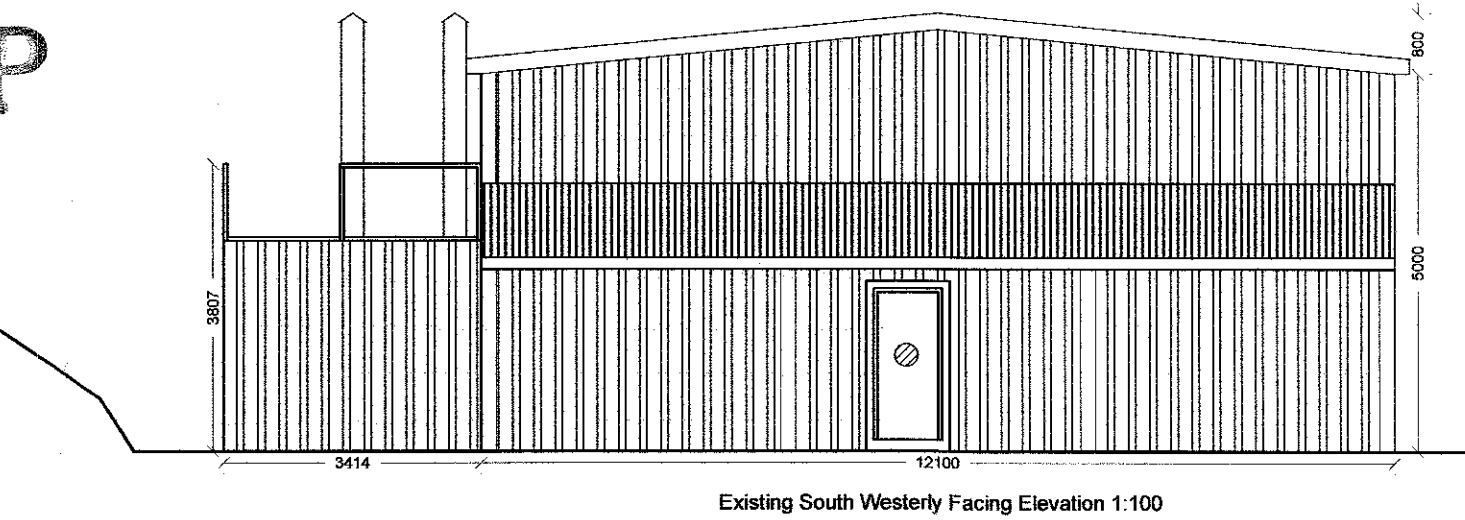
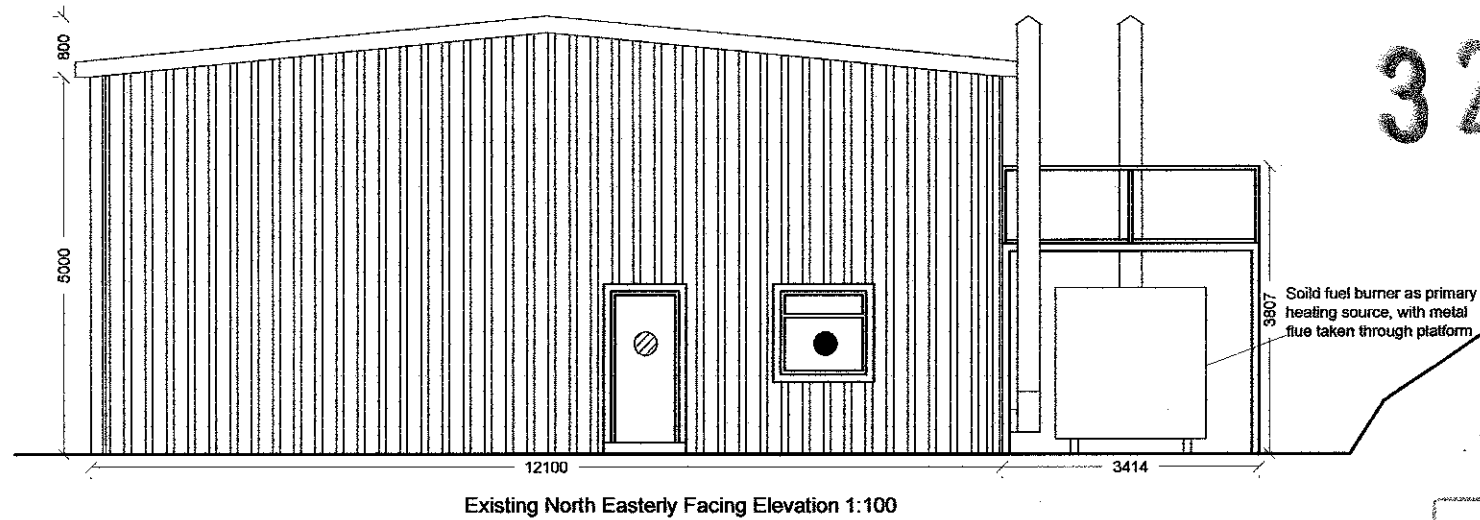
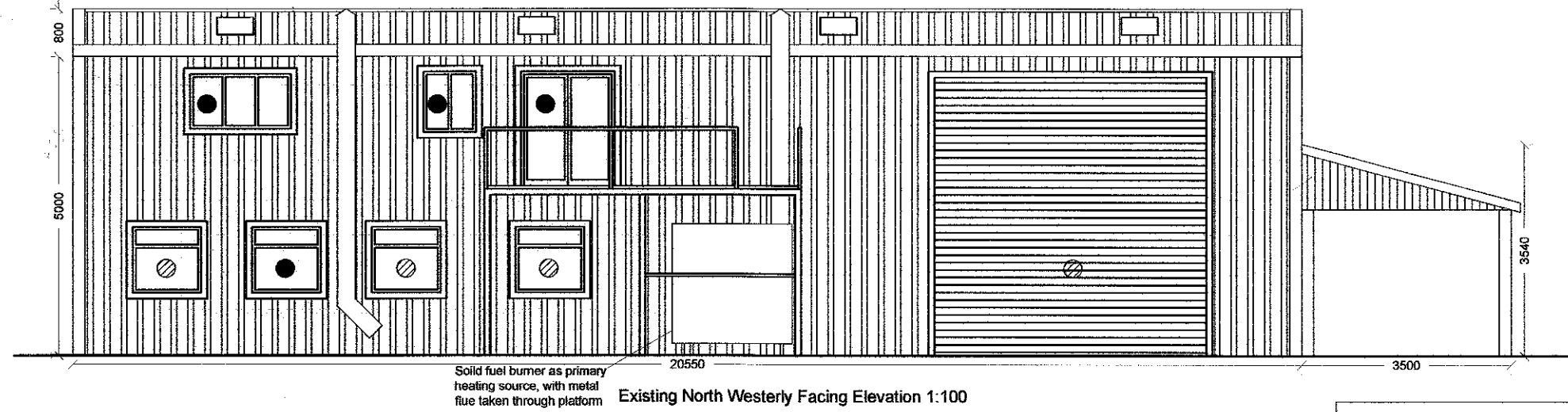
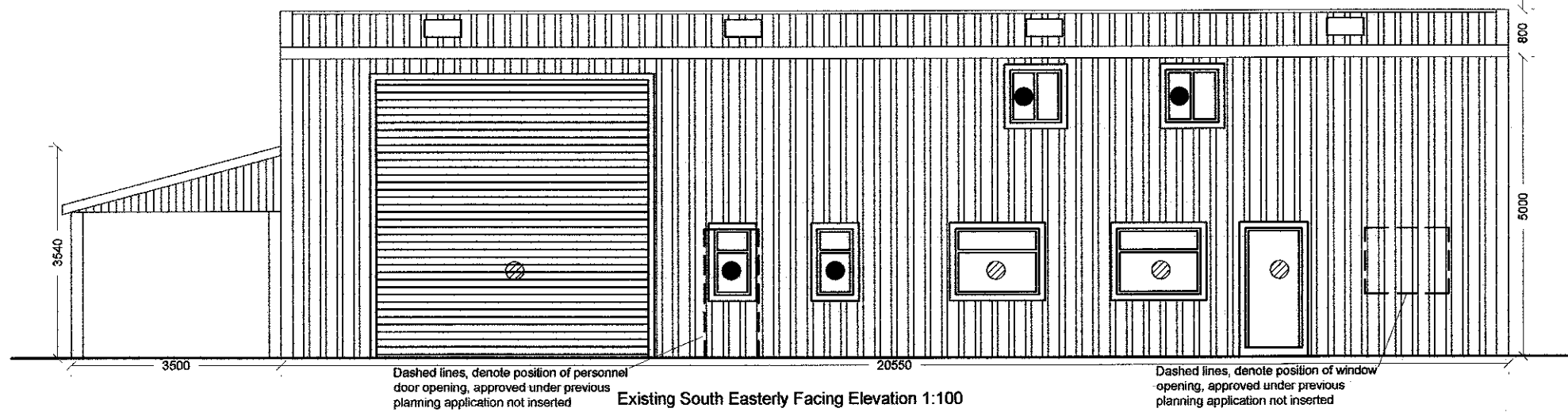
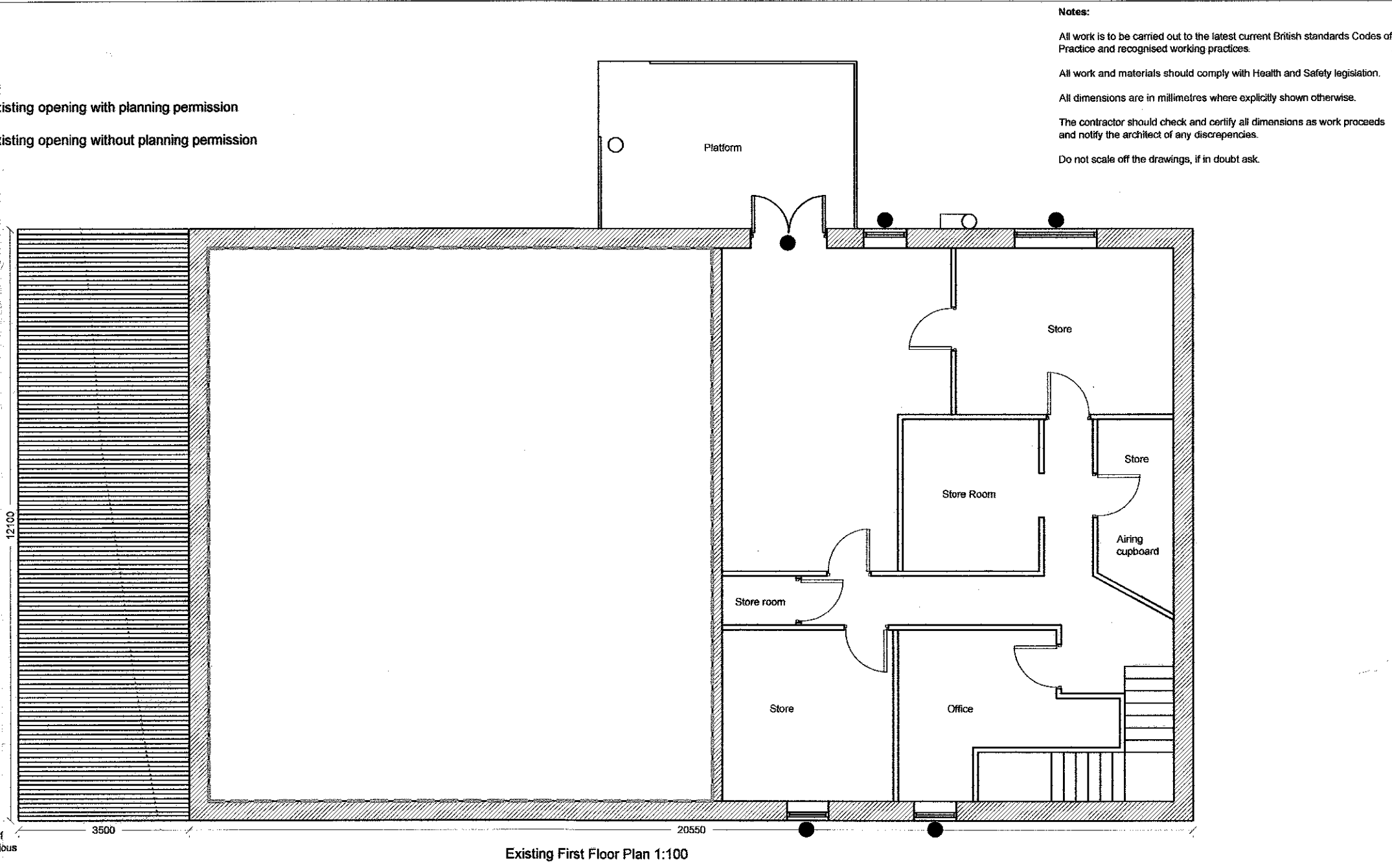
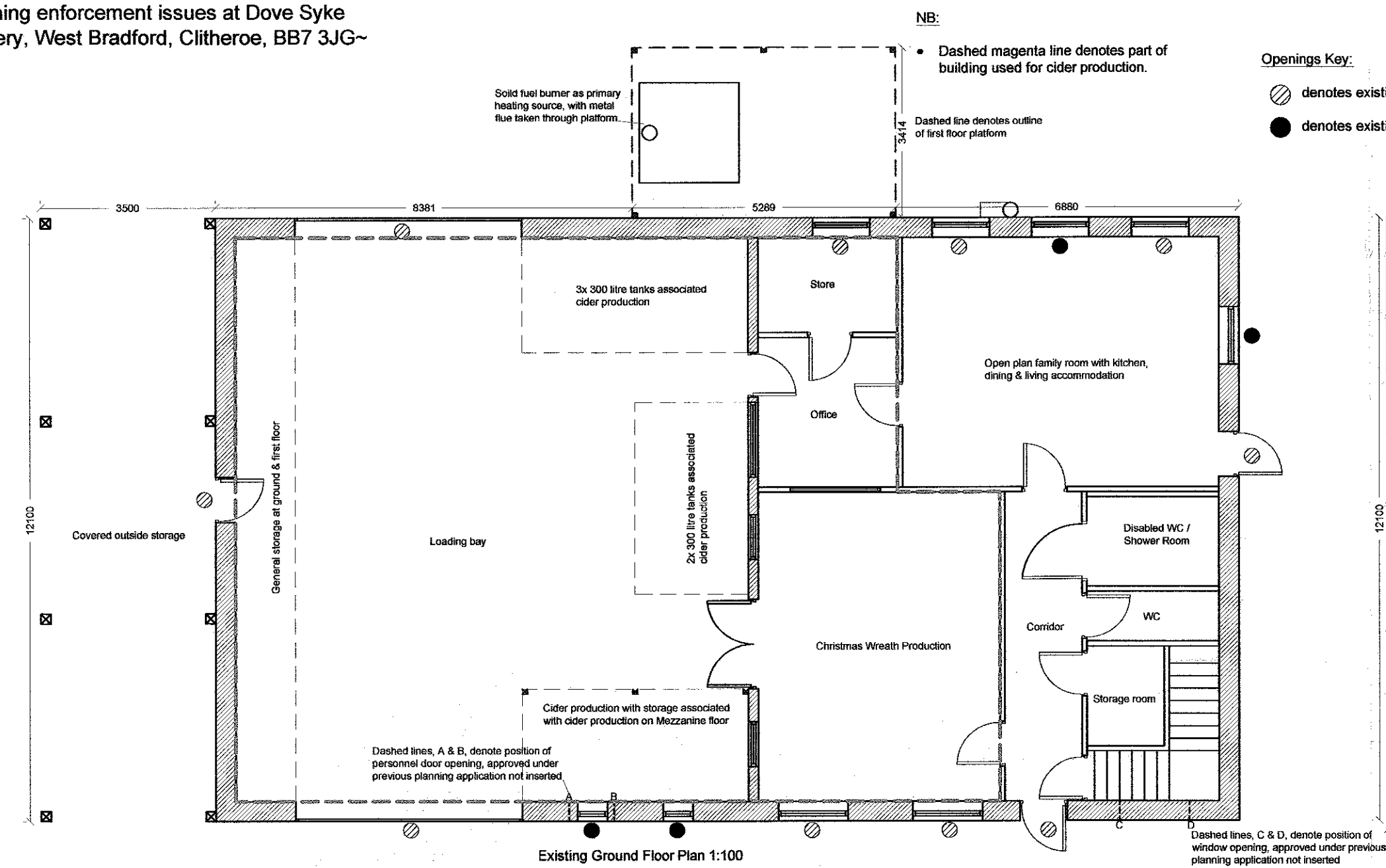
- 5.1 The external walls are constructed from dark green box profile, the roof is dark green box profile with translucent roof sheets, the windows and doors are white uPVC and the rainwater pipes are black uPVC. With the exception of the window openings that will be regularised as part of this application and the proposed external staircase the appearance of the building will remain the same as the approved building.

6. Access

- 6.1 The proposed development will make use of the existing access to the application site and the existing access arrangements into the building.

Signed..........Date.....1-7-2013.....
Gary Hoerty BSc (Hons) MRICS FAAV

Planning enforcement issues at Dove Syke Nursery, West Bradford, Clitheroe, BB7 3JG~



32012 0870P

AMENDED PLANS RECEIVED
DATE 1 Jan 2013

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Project:
Planning enforcement issues at
Dove Syke Nursery
West Bradford
Clitheroe
BB7 3JG

Title: Planning application - existing floor plans & elevations

Drawing No: Cre/573/1508/03 **Drawn:** AJM

Client: Mr M & Mrs J Creighton

Date: 3.9.12 **Scale:** 1:100 @ A2

Amendments: A

Amendment A: 01/07/13 further to comments made by LPA remove holiday cottage element. Submit plans to LPA for approval