

DATE INSPECTED: 07 MAY 2013

TELEPHONE CALLS: YES / NO  
DATE:

Ribble Valley Borough Council

## DELEGATED ITEM FILE REPORT - REFUSAL

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Ref: CB

Application No:

3/2013/0266/P

Development Proposed:

Application for the removal of condition no. 3 of planning consent 3/2010/0572/P, to allow the property to be used as permanent residential accommodation at Dove Cottage, Mill Lane, Slaidburn Road, Waddington, Lancashire.

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### CONSULTATIONS: Parish/Town Council

Waddington Parish Council - No observations or comments received within the statutory 21-day consultation period.

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### CONSULTATIONS: Highway/Water Authority/Other Bodies

N/A

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### CONSULTATIONS: Additional Representations

No representations have been received.

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### RELEVANT POLICIES:

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy H2 - Dwellings in the Open Countryside.

Policy H15 - Building Conversions - Location.

Policy H23 - Removal of Holiday Let Conditions.

*Core Strategy Regulation 22 Submission Draft*

DMG1 – General Considerations.

DMG2 – Strategic Considerations.

EM2 – Landscape.

DME2 – Landscape and Townscape Protection.

DMH3 – Dwellings in the Open Countryside.

DMH4 – The Conversion of Barns and other Buildings to Dwellings.

*National Planning Policy Framework*

Achieving Sustainable Development.

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### POLICY REASONS FOR REFUSAL:

The site is in a predominantly rural location, and the development of the site in principle would therefore not be in accordance with the NPPF presumption in favour of sustainable development. Contrary to guidance within Local Plan Policies G1, ENV1, H2, H15 and H23, and guidance within the NPPF – unsustainable location for the creation of a new dwelling.

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### COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:

Dove Cottage is situated within the Forest of Bowland Area of Outstanding Natural Beauty, approximately 2km north of the village settlement boundary of Waddington. The site in question. Work has commenced on site and the building is substantially completed however the building in question is not habitable and the Building Control department has issued no

completion certificate. Moreover, there is no record of the holiday let/ property in either Business Rates or Council Tax records.

Condition no. 3 of 3/2010/1023/P states that 'The unit of accommodation 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'. The reason for this condition is that the building is located in an area where the LPA would not normally be minded to grant the erection of a building for permanent residential development. This application seeks the removal of this condition to allow the building to be erected as a permanent residential dwelling.

The site lies within the Forest of Bowland Area of Outstanding Natural Beauty, and the relevant saved policies of the Local Plan in relation to the principle of the proposal are H23, H2 and H15. Policy H23 relates to the removal of holiday-let conditions and states "proposals seeking the removal of conditions which restrict the occupancy of dwellings to tourism/visitor usage shall be refused unless the proposal conforms to the normal development control policies of the Local Plan. Policies G5, H2, H15, H16 and H17 will be particularly relevant in any assessment".

In practice what we presently have is a substantially completed building on site that would have, upon completion and once occupied, a restricted class of residential use. Given this restriction, and the current work being carried out on site, I am of the opinion that the current proposal should be treated as tantamount to the erection of a new dwelling.

The starting point in relation to policy principles is the development plan, the Districtwide Local Plan and its saved policies. The RSS has now been revoked. The policies of the recently published NPPF must then be considered with a judgement being made in relation to the weight of the key material considerations.

At present, the policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies. At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that *at the heart of the NPPF is a presumption in favour of sustainable development which means that for decision making purposes that:*

*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.*

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable sites. As at 31<sup>st</sup> of December 2012, the most up-to-date and advertised figures (11/04/2013), Ribble Valley can demonstrate a 5.92 year supply of housing, including a 10% allowance for slippage and 20% buffer for previous years under delivery based on the emerging Core Strategy requirement. On this basis, the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits is at this time not the over riding consideration. Therefore in establishing whether the erection of a dwelling would in principle be acceptable, it is the requirements of the Local Plan Policies that take precedence.

In terms of the saved Local Plan policies, in general terms the proposal site is outside any settlement boundary and is located in open countryside where development would be

restricted. Local Plan Policy H2 is therefore considered the most important policies against which to assess the scheme. Policy H2 provides more specific advice for dwellings in the open countryside noting that,

'Outside the settlement boundaries residential development will be limited to:

1. Development essential for the purposes of agriculture or forestry,
2. The appropriate conversion of buildings to dwellings, or
3. Residential development specifically intended to meet a proven local need.'

The policy recognises the need to protect the countryside from inappropriate development, and that the protection of attractive open countryside for its own sake is an important element of both the national and county planning policy.

Despite the site being reasonably well related to existing dwellings, albeit at the edge of the existing built development, the site is in an isolated, predominantly rural location over a mile from the village of Waddington, and it cannot be said to sustain rural communities since there are no services and shops nearby. The village of Waddington is not readily accessible by foot from the site since it is necessary to traverse the steep Slaidburn Road, which does not have a footpath. The site is therefore considered to be an unsustainable location for new housing development, and the development of the site in principle would therefore not be in accordance with the NPPF presumption in favour of sustainable development. The proposal is also not considered to be essential to the local economy or social well being of the area, it is not essential for agricultural or forestry purposes and it does not meet an identified local need. Therefore by definition the proposal is also considered to be inappropriate development contrary to the relevant and up-to-date Local Planning Policy H2.

Therefore, having carefully considered all of the above, I am of the opinion that given permission would not currently be granted for the approval of the erection of a dwelling at this site, the removal of Condition 3 would also be clearly against the current Policies of the Local Plan. It is for these reasons that I consider that the application should be refused.

**RECOMMENDATION:** That permission be refused for the proposed removal of Condition 3 of 3/2010/0572/P.