

PUBLIC



RIBBLE VALLEY
BOROUGH COUNCIL

320130319P

For office use only

Application No.

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

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: First name:

Last name: MRS D BARRETT AND MR G McEWAN

Company (optional):

Unit: House number: House suffix:

House name: CHERRY TREE COTTAGE

Address 1: 1 ORCHARD COTTAGES

Address 2:

Address 3:

Town: WADDINGTON

County:

Country:

Postcode: BB7 3HR

2. Agent Name and Address

Title: MRS First name: JUDITH

Last name: DOUGLAS

Company (optional): JANET DIXON TOWN PLANNERS LTD

Unit: 10A House number: House suffix:

House name:

Address 1: WHALLEY ROAD

Address 2: CLITHEROE

Address 3:

Town:

County:

Country:

Postcode: BB7 1AW

3. 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:

4. 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?

5. Description Of Your Proposal

Please provide a description of the approved development as shown on the decision letter, including the application reference number and date of decision in the sections below:

CONSTRUCTION OF FOUR HOLIDAY COTTAGES AND ASSOCIATED EXTERNAL WORKS.
 3/02/0005/P REFUSED 11/2/2003
 ALLOWED ON APPEAL 26/8/2003.

Reference number: Date of decision (DD/MM/YYYY): (date must be pre-application submission)

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

1	10 PRECLUDING USE AS	6	
2	PERMANENT ACCOMMODATION	7	
3		8	
4		9	
5		10	

Has the development already started? Yes No
 If Yes, please state when the development started (DD/MM/YYYY): (date must be pre-application submission)

Has the development been completed? Yes No
 If Yes, please state when the development was completed (DD/MM/YYYY): (date must be pre-application submission)

6. Condition(s) - Removal

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

PLEASE SEE ATTACHED STATEMENT.

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

PLEASE SEE ATTACHED STATEMENT.

7. Ownership Certificates

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 (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

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 (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 this application relates.

Name of Owner	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date DD/MM/YYYY:

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 (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of the land or building, or of a part of it, but I have/ the applicant has been unable to do so

The steps taken were:

Name of Owner	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:

7. Ownership Certificates (continued)

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 (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 to which this application relates, but I have/ the applicant has been unable to do so

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:

8. Agricultural Land Declaration

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.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

21/3/13

(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:

Name of Tenant	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

9. 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 original and 3 copies of the completed, dated Ownership Certificate (A, B, C, or D - as applicable);



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 Article 12 Certificate (Agricultural Holdings);



The correct fee:



10. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

(date cannot be pre-application)

11. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

12. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

13. 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)

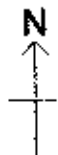
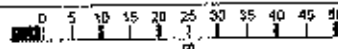
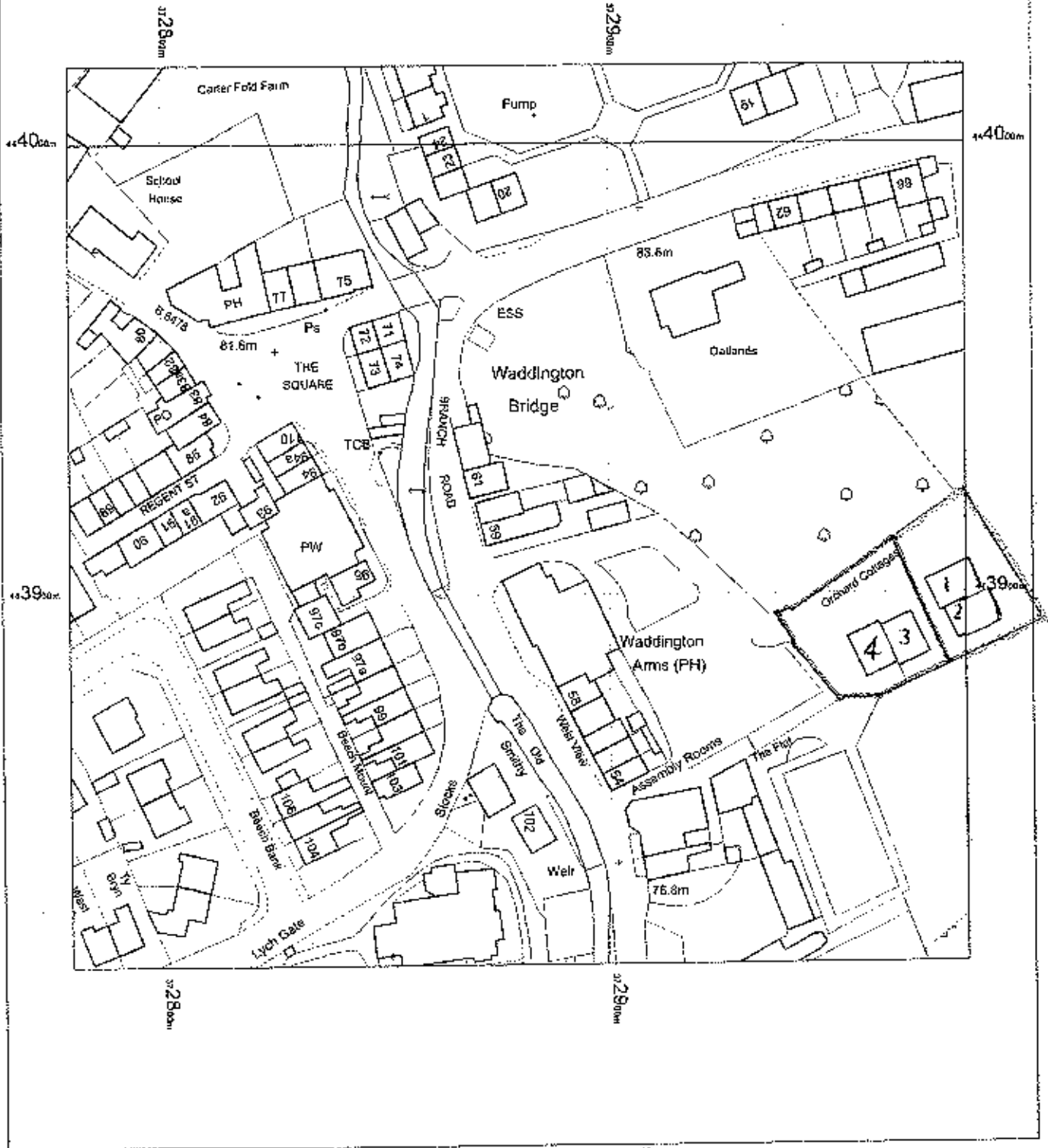
If Other has been selected, please provide:

Contact name:

Telephone number:

Email address:

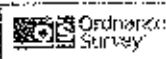
320130319P



OS Mastermap
23 November 2012, ID: CM-00192190
www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 372879 E, 443917 N

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PLANNING STATEMENT

SITE: ORCHARD COTTAGES, CLITHEROE ROAD, WADDINGTON

PROPOSAL: VARIATION OF CONDITION 10 ON PLANNING CONSENT 3/02/0905/P WHICH PRECLUDES USE AS PERMANENT ACCOMMODATION TO ALLOW PEAR TREE COTTAGE 3 ORCHARD COTTAGES AND APPLE TREE COTTAGE 4 ORCHARD COTTAGES TO BE USED AS PERMANENT ACCOMMODATION

1 ASSESSMENT

- 1.1 Apple Tree and Pear Tree Cottages form a group with two other dwellings Cherry Tree and Plum Tree Cottage at the rear of the Waddington Arms Public House Waddington. Planning permission for the buildings was originally granted on appeal reference APP/T2350/11159120 see appendix 1. The occupation of the holiday cottages is controlled by condition 10 on the permission which reads *"the unit of accommodation hereby approved shall not be let 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 a permanent accommodation. A register of such persons occupying the units shall be kept and submitted to the Council for inspection on an yearly basis."*
- 1.2 All four properties were originally constructed as holiday cottages. The occupancy condition on Plum Tree and Cherry Tree Cottages was lifted in 2009 reference 3/2009/0889 allowing these properties to be used as permanent residential accommodation see appendix 2.
- 1.3 Both holiday cottages presently comprise kitchen/dining, lounge, three bedrooms and parking for two cars. Each property has its own garden. No alterations to the properties are required to allow them to be used as permanent residential accommodation.
- 1.4 The site is within the settlement boundary and conservation area of Waddington which is also within the area of outstanding natural beauty in the Ribble Valley Districtwide Local Plan.

2 PLANNING POLICY

2.1 The following document and saved policies form the Ribble Valley Districtwide Local Plan are relevant to this proposal:

Policy G1 - Development Control.

Policy G4 - Settlement Strategy.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV16-Development within Conservation Areas

Policy EMP4-Employment.

National Planning Policy Framework.

2.2 This application involves the lifting of a restriction on the occupancy of the buildings by the removal the planning condition so that they may be used as dwellings without any occupancy restrictions. The buildings are located within the settlement boundary of Waddington, within the conservation area and the area of outstanding natural beauty. Both properties already have all the facilities that would be required for use as separate dwellings including garden areas and off road parking for two cars each.

2.3 The main planning issues relating to this application are the principle of the development, what visual affect the proposed use as independent dwellings might create, whether there will be any visual impact on the conservation area and the AONB, and whether there is any impact on residential amenity on the neighbouring dwellings and highway safety.

2.4 The policy basis relevant to this scheme 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.

- 2.5 The statement in NPPF cited above advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It was reported at the January 2013 Planning Committee meeting that the Council can presently demonstrate a 6 year supply of housing land at 01/10/12. The annual supply of dwellings is also a minimum requirement rather than a maximum requirement. The creation of two additional dwellings through the grant of permission in relation to this application would not in any way affect the supply of housing in Ribble Valley.
- 2.6 The Planning Officer in his report to the Planning Committee reference 3/2009/0889 in relation to the earlier application to remove the holiday cottage condition from the other two units at Orchard Cottage made the following comment in relation to policy EMP11. *"In respect of the principle of the scheme, and although technically this is for the removal of a condition, it can be seen as a change in the nature of the use of the holiday let to residential without any restriction. On this basis it may be appropriate to have regard to Policy EMP11 which relates to the loss of employment generating sites and request that details be submitted of attempts to be made to secure alternative employment. I do not consider that this is appropriate in this instance given the small scale nature of this development."* The current proposal is identical to the previous proposal and so the same analysis should be applied. Consequently the application is not contrary to policy EMP11.
- 2.7 A similar analysis has been applied holiday cottage create from barn conversions. Where an application to lift the holiday cottage conditions has been received by the Council the following assessment has been arrived at. *"In present practice, what we presently have is an established built development with a restrictive class of residential use. Given its restriction, I am of the opinion that the current proposal should be treated as tantamount to the conversion of a rural building"*. Delegated Item File Report 3/2012/0922 see appendix 3. In the period where the Council applied a moratorium on new housing development several developments for holiday accommodation were applied for and granted planning permission on sites which would have been suitable for housing development or conversion to housing had the moratorium not been in place. The analysis above on 3/2012/0922 the phrase *"tantamount to the conversion of a rural building"* demonstrates that the

Council takes this into account when considering lifting holiday occupancy conditions on barn conversions. The Council applies the question: if we were presented with an application to convert this barn to a dwelling today would we grant planning permission? The same approach should be applied to this site. The holiday cottages were approved planning permission when the housing moratorium was in place. If the Council was presented with an application to build houses on this site today, in principle would housing development be acceptable? This is because the site is within a settlement boundary where the Local Plan policy G4 identifies that new housing development should be approved.

- 2.8 The buildings require no alteration in order for the new use to commence. Policy ENV1 requires development in the AONB to protect and enhance the natural beauty of the area and policy ENV16 requires development within conservation areas to preserve and enhance the character of the conservation area. The proposal to change of the holiday cottages to dwellings will have a neutral effect on the character of the landscape and the conservation area because no physical alterations are proposed. There are already garden areas and parking areas which are adequate for the properties. There is no adverse impact on the character of the landscape or conservation area.
- 2.9 Policy G1 (a) requires development to be sympathetic to existing and proposed land uses. The character of the use of the holiday cottage will not change as it can already be used for residential purposes. The neighbouring use of the site as dwellings is compatible with the use of the holiday cottages as permanent dwellings.

5 DESIGN

- 5.1 In the context of the development proposed matters of design are not relevant. There will be no structural changes to Pear Tree Cottage or Apple Tree Cottage.

5 ACCESS

- 5.1 Adequate parking and turning is already provided.

APPENDICES

- 1 Appeal reference APP/T2350/11159120
- 2 Planning permission notice reference 3/2009/0889
- 3 Delegated Item File Report 3/2012/0922

**Judith Douglas Bsc Hons Dip TP MRTPI
Janet Dixon Town Planners Ltd.
10A Whalley Road, Clitheroe, Lancashire BB7 1AW
01200 - 425051**

March 2013



Appeal Decision

Site visit made on 11 August 2003

by Philip Crookes BSc (Hons) DipTP MRTPI

an Inspector appointed by the First Secretary of State

Appendix 1
The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date: 28 Aug 2003

Appeal Ref: APP/T2350/A/03/1115910

Site to the Rear of The Waddington Arms Public House, Waddington, Clitheroe

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Warburton against the decision of Ribble Valley Borough Council.
- The application (Ref.3/02/0905/P), dated 24 October 2002, was refused by notice dated 11 February 2003.
- The development proposed is construction of 4No. holiday cottages with associated external works.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Main Issue

1. I consider the main issue in this case is the effect of the proposed development on highway safety and convenience.

Planning Policy

2. The development plan for the area includes the Ribble Valley Districtwide Local Plan (RVLP) adopted in June 1998. RVLP Policy G1 requires all development proposals to provide a high standard of building design and landscape quality. Proposals will be assessed against a number of criteria including (a) the need for development to be sympathetic to existing and proposed land uses; (b) the scale and type of traffic generation in relation to the highway infrastructure; (c) the arrangements for car parking; (d) the provision of a safe access to accommodate the scale and type of traffic likely to be generated; and (e) the visual appearance of the development and its relationship to its surroundings. RVLP Policy G4 identifies Waddington as a village where small scale development can be accommodated on allocated sites, infill sites or by the rehabilitation or re-use of rural buildings or for proposals which contribute to the solution of a particular local need. Policy ENV16 of the RVLP advises that development in conservation areas will be strictly controlled to ensure that it reflects the character of the area. Policy RT1 is supportive of proposals that extend the range of tourism and visitor facilities in the Borough subject to compliance with 5 criteria. These are similar to those included in Policy G1.
3. The site lies within the Waddington Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Reasons

The appeal site

4. The appeal site is to the rear of the Waddington Arms public house within the settlement boundary of the village and the Waddington Conservation Area. Historically, the site was the orchard to Waddington Old Hall to the south but has since been cleared of fruit trees and become overgrown although there are mature trees and hedges along its boundaries. There are stone walls to the boundaries with Waddington Old Hall and the car park of the public house.
5. It is proposed to construct four 2-storey holiday cottages in two pairs using local reclaimed random stone with reclaimed blue slate roofs. The cottages would be accessed via the existing access road and through the car park for the Waddington Arms. Each cottage would have a dedicated car parking space adjacent to the property and a small woodland-type garden enclosed by dry stone walls.
6. Although RVL Policy G4 identifies Waddington as a settlement where some development may take place, the appeal site is not allocated, nor can the proposal be regarded as infilling. It does not relate to the rehabilitation or re-use of a rural building. However, Policy RT1 of the RVL supports the development of tourist or visitor facilities in the Borough. It seems to me that the specific nature of the holiday accommodation proposed is consistent with the objective of this policy and therefore with the local needs aspect of Policy G4. I see no indication that the Council objects to the principle of tourist accommodation as proposed.

Highway safety and convenience

7. The proposal would utilise the existing access to the car park of the public house from Branch Road between the Waddington Arms and No.59, an end terraced cottage. Although the access is generally about 5.6 metres in width along most of its length, there is a pinch point approximately 20 metres from the junction with Branch Road where the width reduces to about 3.7 metres. Here passing would not be possible and both the Council and local highway authority are concerned that it would lead to vehicles reversing back onto Branch Road to the detriment of highway safety. Further highway concerns centre on the restricted radii at the junction and lack of visibility for vehicles emerging onto Branch Road.
8. Branch Road is a side road off the main B6478 which runs north-south through the village centre and links with West Bradford Road, also part of the B6478, to the east. As such, most traffic would use the B6478 and, unless drivers are familiar with the local network of roads, or their destination is a property on Branch Road, it appears to me that Branch Road would not provide an attractive route. In the absence of specific traffic flow information, these factors indicate that Branch Road is lightly trafficked and, although limited to the lunchtime period, my observations during the site visit supported this assessment.
9. The highway authority accepts the appellant's assessment that the 4 holiday cottages could generate in the region of 28-40 movements per day including 4 peak hour movements assuming all the cottages were occupied. This would be in addition to the assessed 20 peak hour movements generate by the public house car park. I have no reason to disagree with the assessment which is unchallenged by the highway authority. However, given that it is unlikely that all the cottages would be occupied throughout the year, it seems reasonable to

expect that it represents an infrequent worse case scenario. Overall therefore I consider that the additional traffic using the access over and above that associated directly with the public house would be limited.

10. Turning first to the width of the access, the highway authority consider that a minimum width of 4.5 metres should be provided for safe shared use by pedestrians/vehicles with a clearance of 0.5 metres either side to facilitate vehicles passing. Other than at the pinchpoint referred to, the access would comply with these requirements. I accept that vehicles would not be able to pass at the pinchpoint or close to it. However, although this restricts the operational efficiency of the access, I am satisfied that drivers would be travelling slowly in either direction and would be able to stop and wait in safety clear of Branch Road before proceeding. Even if momentary stopping of vehicles on Branch Road should occur, given the limited traffic using the road and its relatively slow speed, I do not consider that the limited additional use of the access due to the proposed development would materially impair highway safety or inconvenience.
11. I acknowledge that in relation to nationally recommended standards there are deficiencies in terms of visibility and the radii available between the junction of the access road and the Branch Road carriageway. However, in my opinion, the traffic generated by the proposed holiday cottages would not add significantly to turning movements onto and off Branch Road to an extent that would prejudice the safety and convenience of road users. Moreover, it seems to me that the restriction along Branch Road caused by its relatively narrow width and the presence of parked vehicles, encourage lower traffic speeds and a naturally cautious approach by road users. The fact that recent accident records reveal only one personal injury accident on Branch Road during the last 5 years, which was not associated with the proposed access, supports this assessment.
12. Given these considerations, I conclude that the additional traffic generated by the proposed development would not harm road safety or convenience to an extent warranting overriding objection. I further conclude that the proposal would not conflict with Policies G1 and RT1 of the RVLP.

Other Matters

13. In addition to the Council's concern about the impact of the proposal on highway safety, third parties raise a number of additional objections. These include the impact of the proposal on the character and appearance of the village; loss of habitat; that additional tourist facilities are not required; and that the proposal would not create additional jobs.

Impact on character and appearance

14. Of particular concern is that the development would result in the loss of strategic views of the settlement particularly from West Bradford Road. I saw that from vantage points along West Bradford Road the site is partly masked by road side hedges in the foreground and by the perimeter trees adjacent to the appeal site in the background. Whilst some signs of the development may be visible, especially in the winter under conditions of least leaf cover, in my judgement, what would be seen would appear as part of the framework of the village and would not look out of place in its setting.
15. I consider the scheme to be well designed and the proposed cottages to be of a scale and materials that reflect the scale of the traditional cottages in the vicinity and therefore the

vernacular traditions of the settlement. In this respect, I particularly welcome the use of random stone walls, blue slate roofs and the sensitive door and window fenestration that are typical of the local vernacular architecture. Together with the retention of existing boundary features, including stone walls and vegetation, I consider the proposal would fit in well with the character of the village and preserve the character and appearance of the conservation area.

Loss of habitat

16. The appeal site was formerly an orchard but, other than the stone boundary walls that remain, there are few, if any, remaining indications of its former purpose. I have no evidence that the site harbours fauna or flora that warrants protection. However, existing trees around the site perimeter would be retained and supplemented by additional planting which, to my mind, offers the opportunity to create a varied habitat that would be attractive to wildlife.

Sufficient tourist facilities

17. It is argued by some third parties that sufficient accommodation, eating and pubs already exist in the area. I have been provided with no evidence to support this assertion. On the other hand, one of the key objectives of the development plan is to encourage development that would extend the range of tourism and visitor facilities in the Borough (RVLP Policy RT1). The proposed development would therefore be consistent with the development plan in this respect.

Other concerns raised

18. I see no reason why the limited development proposed that is relative remote from other residential properties and adjacent to the car park of the public house would lead to unacceptable noise and pollution. Nor do I have any evidence that the development would exacerbate existing sewerage problems in the village. In this, I note that the Environment Agency has raised no objections.
19. I see no basis for rejecting the proposal on the basis that it would not create jobs. To the contrary, any development that brings visitors and therefore spending power into the area offers the potential to create additional jobs either directly or indirectly. In this case, I foresee that additional local jobs may be created as a result of the need to service and manage the cottages, whilst the economic benefit of additional trade would support other local businesses and thus help to foster further employment opportunities in the area.

Conditions

20. I have considered the conditions suggested by the Council in the light of the advice and model conditions found in Circular 11/95 - *The Use of Conditions in Planning Permissions*. In view of the location of the site within the Waddington Conservation Area, I intend to impose the suggested condition regarding materials and that in relation to door and window details to ensure that the strong local vernacular architectural traditions are maintained. Along with these requirements, I consider it necessary to impose restrictions, as suggested by the Council, to prevent the inappropriate extension of the cottages or the erection of ancillary structures, hardstanding and fences that would be harmful to the environmental quality of the conservation area. I shall achieve this by removing certain "permitted

development" rights. Retention of existing trees is necessary in view of their contribution to the quality of the local environment.

21. In the interest of highway safety and convenience, the suggested conditions requiring the access to be kept free of obstruction and for the erection of appropriate signage are necessary. Notwithstanding that additional traffic generated by the proposal would be limited, given the ample outside eating and drinking areas associated with the public house, I consider a worthwhile benefit to highway safety would be achieved by the suggested condition requiring the section of the forecourt nearest to the access point to be kept free of obstruction.
22. Having regard to the provisions of the development plan, the proposed development is only justified as an exception on the basis of its contribution to the provision of tourist or visitor accommodation in the area. In these circumstances I intend to impose the conditions suggested by the Council restricting their occupation to such purposes and monitoring occupation.

Conclusions

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

24. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the construction of 4 No. holiday cottages at site to the rear of The Waddington Arms public house, Waddington, Clitheroe in accordance with the terms of the application Ref. 3/02/0905/P dated 24 October 2002, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the cottages hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) All doors and windows shall be in timber and retained as such thereafter.
 - 4) The existing trees on the site boundary shall be protected in accordance with BS5837 (Trees in relation to Construction). Any tree works required in the form of tree surgery/pruning must be carried out in accordance with BS3998 for tree works and shall not be carried out without prior consultation with and written consent from the local planning authority.
 - 5) The full width of the access to the site shall be kept clear of obstruction at all times.
 - 6) The forecourt of the public house adjacent to Branch Road between the access to the cottages and the front doorway of the public house shall be kept clear of obstructions at all times.
 - 7) Prior to the commencement of the development hereby approved a scheme of signage denoting access/egress to the site shall have been submitted to and approved

Appeal Decision APP/T2350/A/03/1115910

in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of any of the cottages hereby approved.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) any future extensions and/or alterations to the dwellings, including any development within the curtilage as defined in Schedule 2, Part 1, Classes A to H shall not be carried out without the formal written consent of the local planning authority.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) any additional structures, hard standings or fences as defined in Schedule 2, Part 1, Classes E, F and G, and Part II, Class A, shall not be carried out without the formal written consent of the local planning authority.
- 10) The units of accommodation hereby approved 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 persons occupying the units shall be kept and submitted to the Council for inspection on a yearly basis.

Philip Coaker

INSPECTOR

Information

- A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
- This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
- An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
- Attention is drawn to the requirements of section 76 of the Town and Country Planning Act 1990 concerning the provisions for the benefit of the disabled.

320130319P

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

VARIATION OF CONDITION

APPLICATION NO: 3/2009/0889

DECISION DATE: 16 April 2010

DATE RECEIVED: 05 February 2010

APPLICANT:

Mrs Barnes & Mr McEwan
c/o agent

AGENT:

Janet Dixon Town Planners Ltd
10A Whalley Road
Clitheroe
Lancs
BB7 1AW

DEVELOPMENT PROPOSED: Application for the variation of condition no. 10 of planning consent 3/2002/0905P, to allow units 1 and 2 to be used as permanent accommodation.

AT: Orchard Cottages off Clitheroe Road Waddington Lancashire

Ribble Valley Borough Council in pursuance of its planning powers, hereby varies condition of planning permission dated for referred to in the schedule below:

REVISED CONDITION AND REASON:

1 The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2 This permission shall relate to the amendment site dated 29 January 2010, references 3/2009/0889A and 3/2009/0889B.

REASON: For the avoidance of doubt since the proposal has been the subject of specified plans and additional plans.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to H shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: In the interests of the amenity of the area in accordance with Policies G1 of the Ribble Valley Districtwide Local Plan.

4 The gable window on the adjacent cottages shall be of obscure glaze and shall remain in that manner in perpetuity.

REASON: In order to protect adjacent residential amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

P.T.O.

Policy G1 - Development Control.
Policy ENV16 - Development Within Conservation Areas.
Policy G4 - Settlement Strategy.
Policy ENV1 - Area of Outstanding Natural Beauty.
Policy EMP4 - Employment.
Affordable Housing Memorandum of Understanding.
Policy L4 - Regional Housing Provision, Regional Spatial Strategy
PPS3 - Housing.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity nor would it have an adverse visual impact.

Note(s)

- 1 For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
- 2 The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.



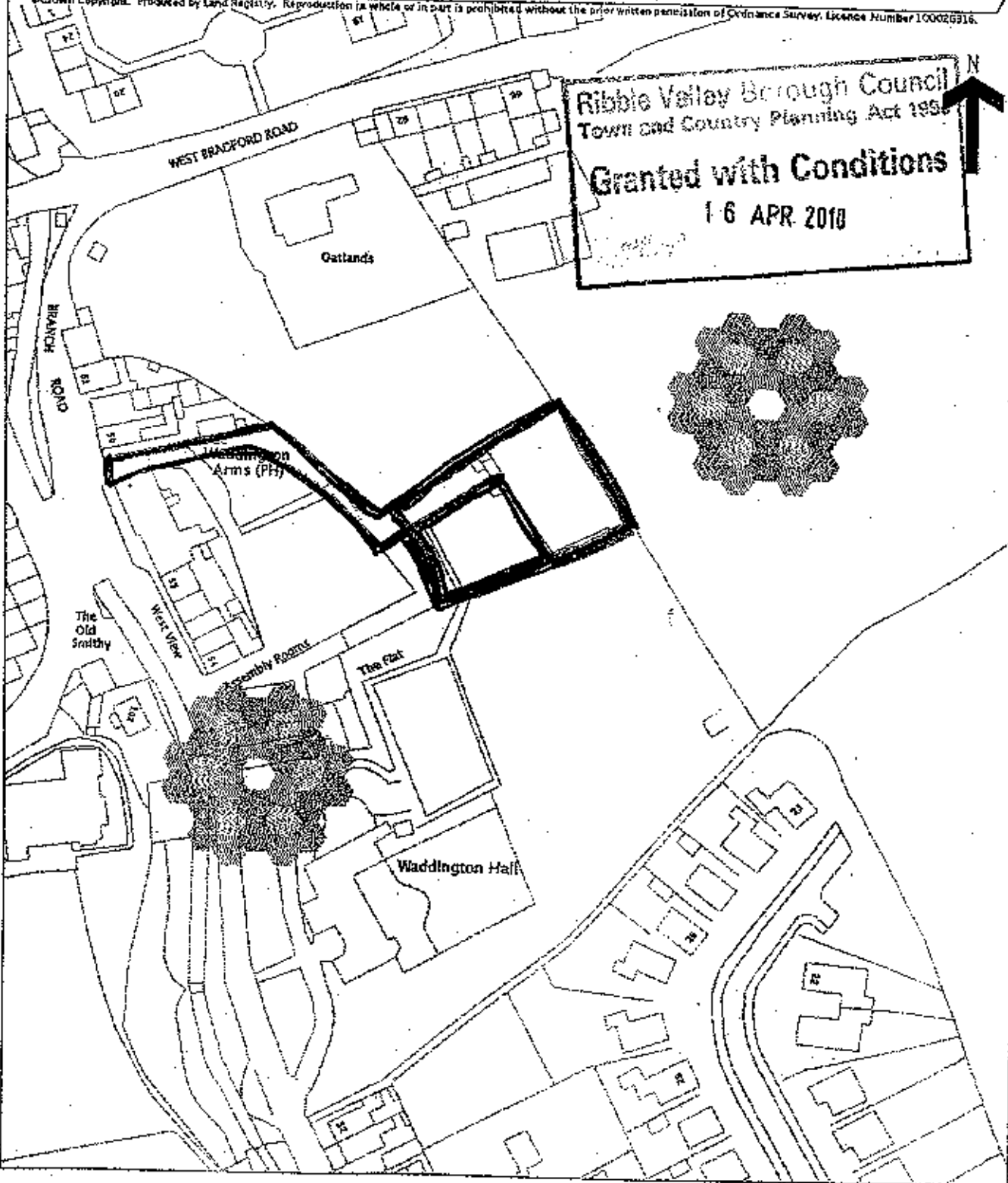
STEWART BAILEY
DIRECTOR OF DEVELOPMENT SERVICES

Land Registry
Official copy of
title plan

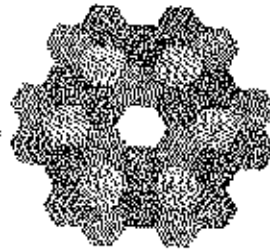
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Ordnance Survey map reference SD7243NE
Scale 1:1250
Administrative area LANCASHIRE: RIBBLE
VALLEY



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Ribble Valley Borough Council
Town and Country Planning Act 1954
Granted with Conditions
16 APR 2010

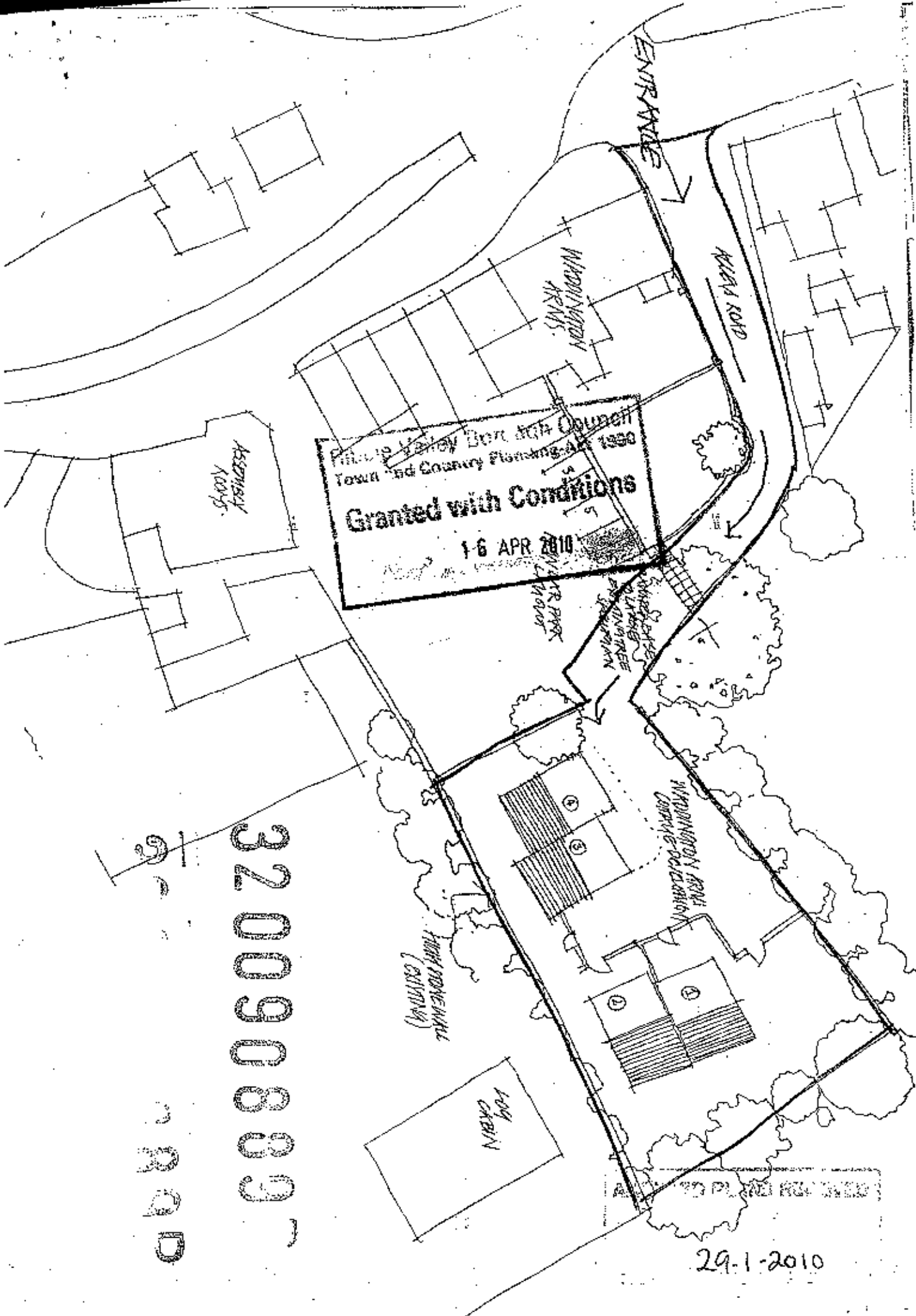


APPROVED PLAN RECEIVED

29.1.2010

320090880

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320090889
 29-1-2010

29-1-2010

Appendix 3

DATE INSPECTED: 29 November 2012

Ribble Valley Borough Council

3201303190

DELEGATED ITEM FILE REPORT - APPROVAL

Ref: SW/EL

Application No:	3/2012/0922/P
Development Proposed:	Application to remove condition 3 (occupancy period) of planning permission 3/2008/0410/P to allow the holiday accommodation to be used as a permanent residential dwelling at The Saddle Room, Cross Lane, Waddington

CONSULTATIONS: Parish/Town Council

Parish Council - No objections.

CONSULTATIONS: Highway/Water Authority/Other Bodies

Environment Directorate (County Surveyor) - No objections.

CONSULTATIONS: Additional Representations.

No comments received.

RELEVANT POLICIES:

- 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.
- 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.

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

Consent is sought for the removal of a condition imposed on application 3/2008/0410/P which detailed the conversion of an agricultural workshop to holiday cottage. Condition 3 of that approval stipulates that the unit of accommodation formed should not be let or occupied by any one person or group of persons for a continuous period of longer than 3 months in any calendar year and in any event, shall not be used as permanent accommodation. Removal of this condition would allow permanent occupancy.

In present practice, what we presently have is an established built development with a restrictive class of residential use. Given its restriction, I am of the opinion that the current proposal should be treated as tantamount to the conversion of a rural building. Policy H2 concerns itself with dwellings in the open countryside and allows for the appropriate conversion of buildings to dwellings provided they are suitably located and their form, bulk and general design are in-keeping with their surroundings... See Policies H15, H16 and H17 for further advice.

The building subject to this application has already undergone once scheme in a manner

which is in-keeping with its surroundings in terms of form, bulk and general design. Therefore, it is a question over whether it is a suitable location that warrants further consideration. When assessing the conversion of rural buildings to dwellings, regard is had to their location with Policy H15 of the Districtwide Local Plan offering detailed criteria on this matter. The supporting text of the policy makes clear that *the conversion of appropriate buildings within settlements or which form part of an already defined group is acceptable. Problems arise however where isolated buildings and landscape such as barns are proposed for conversion.*

The key matter in assessing locational criteria therefore, is whether the building, subject of this application, would be considered as isolated or constitute part of an already defined group. The building subject of this application does stand within a small group of buildings that forms the overall farm complex. It does not appear as an isolated feature in the landscape and thus in locational terms, I am satisfied that the requirements of Policy H15 are met.

I am mindful of the policies of the emerging Core Strategy as listed under the relevant policy section of this report and I am of the opinion these carry forward the policies of the Districtwide Local Plan that have been referred to within this delegated report. I have also had regard to the requirements of NPPF and am of the opinion that the scheme, when assessed against the saved policies of Districtwide Local Plan, Regulation 22 submission Draft Core Strategy and NPPF should be given favourable consideration.

I thus recommend accordingly.

SUMMARY OF REASONS FOR APPROVAL:

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have an adverse visual impact or be to the detriment of highway safety.

RECOMMENDATION: That planning permission be granted.