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Newdrop Inn Cottage,

Higher Road,

Ribchester,

Preston

PR3 2YX

Lawful use certificate application for the use of Newdrop Inn Cottage as an unrestricted dwelling

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Planning Statement November 2017

JDTPL0067

Registered Office: 90 Pimlico Road, Clitheroe, Lancashire, BB7 2AH. Incorporated in England No. 09911421

PLANNING STATEMENT
NEWDROP INN COTTAGE, HIGHER ROAD, RIBCHESTER LONGRIDGE PR3 2YX
LAWFUL USE CERTIFICATE APPLICATION FOR THE USE OF NEW DROP COTTAGE AS A UNRESTRICTED DWELLING

1 Introduction

1.1 This application is made under section 191(1), of the Town and Country Planning Act 1990 as amended on the basis that New Drop inn Cottage has been occupied as a dwelling in breach of condition 3 of planning permission 3/2002/0962 for a period of more than 10 years without any break in this period.

1.2 This application is made on behalf of Mr and Mrs J Barr the owners of the property. This statement should be read in conjunction with the following documents:

- Planning permission notice 3/2002/0962 and plan
- Letter from J F Norris dated 7th August 2017
- Delegated Item File report 3/2002/0962P
- Council Tax Valuation Information
- Assured shorthold tenancy agreement 2004
- Statutory declaration of J F Norris.
- Bank statements and letters, payslips
- Location plan 2991 001 1:1250

2 Planning site history and history of use.

2.1 3/1986/0251 Alteration and extensions to private dwelling, New Drop Cottage, New Drop Inn approved 18.06.86

2.2 3/2002/0393 Proposed Additional Managers Accommodation. New Drop Inn Withdrawn 27.06.02

2.3 3/2002/0962 New build manager's accommodation and change of use of manager's accommodation to A3 use or holiday let purposes. The New Drop Inn Higher Road Ribchester. Approved 08.01.03.

2.4 Planning permission 3/2002/0962 was subject to a condition which restricted the occupation of New Drop Cottage so that it could not be occupied as a permanent dwelling. The condition reads
"3. Prior to the commencement of use of the extension the existing manager's accommodation shall be made vacant and utilised for holiday let purposes or annex public house facilities. In relation to any holiday let proposes the building shown hatched on Plan ref:JM3/02/0962 shall not be let or occupied by any one person or group of persons for a continuous period of longer than three months in any one year." [1]

[1] Appendix 1 Planning permission notice 3/2002/0962 and plan

2.5 The applicants Mr J W and Mrs S M Barr moved to the Newdrop Inn in 1982 and lived in the flat on the top floor of the Inn. In 1987 Mr and Mrs Barr moved out of the flat and into Newdrop Inn Cottage. Between 1987 and 2004 Mr and Mrs Barr lived in Newdrop Inn Cottage (the subject of this application). On completion of the extension to provide new manager's accommodation approved under 3/2002/0962 Mr and Mrs Barr moved out of Newdrop Inn Cottage and into the manager's accommodation which is called White Cross House. Mr and Mrs Barr have lived in White Cross House from 2004 to date.

2.6 Contrary to the requirements of condition 3 of 3/2002/0962 Mr Barr entered into an agreement for an assured shorthold tenancy with Mr J F Norris on the 26th of July 2004. Mr J F Norris and his wife Mrs A M Norris and their son Mr D Norris have lived in New Drop Cottage since 2004 to date.

3 Description of Newdrop Inn Cottage.

3.1 Newdrop Inn Cottage has all the facilities required to be used as a separate independent dwelling. None of the mains services are shared with The New Drop Inn. It has its own metered electricity and gas supply, and its own water supply. It is physically separate from The New Drop Inn. The cottage is rated separately for Council Tax.

3.2 The tenants of Newdrop Inn Cottage say they moved into Newdrop Inn Cottage (also known as New Drop Cottage) on the 26th July 2004. They confirm that they have been living in Newdrop Inn Cottage continuously for over 13 years. [2]

4 Lawful use of Newdrop Inn Cottage as a separate dwelling

Section 171B of the Town and Country Planning Act 1990

4.1 Section 171B (3) states *"In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach"*

5 The case to support the assertion that use of Newdrop Inn Cottage as a separate dwelling has exceeded the period within which enforcement action may be taken.

5.1 Planning permission 3/2002/0962P was granted on the 8th January 2003. The description of the development on the planning permission notice was "new build manager's accommodation and change of use of manager's accommodation to A3 use or holiday let purposes". The Delegated Item File report to the application describes the development proposed as *"New dwelling and manager's accommodation at New Drop Inn Higher Road Ribchester"*[3]. The report makes it clear that the new managers accommodation (Whitecross House) is a new dwelling saying it is *"in essence is a two storey dwelling"*. The report also makes it clear that the accommodation previously occupied by Mr and Mrs Barr was to be prevented from being used as a separate dwelling and would become *"holiday let facilities or annex part of the accommodation"* by a condition being imposed on the permission which required that *"the existing outbuilding is utilised either holiday let accommodation or ancillary bed and breakfast accommodation in relation to the pub"*.

[2] Appendix 2 Letter J F Norris dated 7th August 2017

[3] Appendix 3 Delegated Item File Report 3/2002/0962P

5.2 Contrary to condition 3, Mr Norris and his family moved into Newdrop Inn Cottage in July 2004 and have occupied this property as tenants ever since. Mr Joseph Francis Norris is a retired Business Consultant, Angela May Norris is a retired teacher and David Norris is a University Lecturer. The Norrises have never been employed in the pub and have no connection to the business at The Newdrop Inn except as tenants of Newdrop Inn Cottage.

5.3 In his letter dated 8th August 2017 Mr J F Norris say that they entered their names on the 'Register' (electoral register) using the address "Newdrop Inn Cottage, Higher Road Longridge, Preston PR3 2YX" although the precise address of the cottage has been amended on the register a couple of times. They say that the current address on the electoral register is Newdrop Inn Cottage, Newdrop, Knowle Green, Ribchester, Preston PR3 2YX. See appendix 2.

5.4 The Council Tax Valuation list shows that there are two properties relevant to this application currently paying Council Tax. There is:

The property the subject of this application occupied by the Norrises:
New Drop Inn Accommodation ref. 000780200004001 Band B, not a mixed-use property. The account number for this reference is 10087153.

The property occupied by the applicants:
Whitecross House ref.00078020000400A Band E with effect from 15/07/2004 a mixed use property. The account number is 10733890[4]

5.5 The Council Tax Valuation list shows that previously the New Drop Inn accommodation has a different reference number 000780200003009 a mixed-use property which was deleted on the 01/04/1993.

5.6 As Council tax has been paid on New Drop Inn Accommodation (Newdrop Inn Cottage) since 1993 and Council Tax has been paid on a separate property White Cross House since 2004 it is clear that the Council Tax Valuation List indicates that there are two residential properties on the site. Had Newdrop Inn Cottage been used as a holiday let or bed and breakfast accommodation then it is likely that business rates would have applied rather than Council Tax (source www.gov.uk Business Rates section 8- Self-catering and holiday let accommodation).

6 Evidence to support the claim that Newdrop Inn Cottage has been occupied by the Norrises as a dwelling in breach of condition 3 of 3/2002/0962P

6.1 Mr J W Barr and Mr J F Norris entered into a shorthold tenancy agreement on the 26th July 2004. This corresponds to the date on which the Norrises moved into Newdrop Inn Cottage.[5]

6.2 Mr J F Norris has signed a statutory declaration stating that he and his wife have lived in Newdrop Inn Cottage as their main residence since the 26th July 2004. His son David has

4 Appendix 4 Council Tax Valuation Information
5 Appendix 5 2004 Tenancy agreement

also lived with them as his main residence except when he was away during a period of training and education. [6]

6.3 Mr J F, Mrs A M and Mr D Norris have provided evidence of their occupation of Newdrop Inn Cottage over the period 2005 to 2017 in the form of bank statements and letters, payslips and a pension letter which is summarised in the table below[7].

Name	Date	Item	Address
[redacted]	[redacted]	[redacted]	New Drop Inn Cottage
[redacted]	[redacted]	[redacted]	New Drop Inn Cottage
[redacted]	[redacted]	[redacted]	New Drop Inn Cottage
[redacted]	[redacted]	[redacted]	New Drop Inn Cottage
[redacted]	[redacted]	[redacted]	New Drop Inn Cottage
[redacted]	[redacted]	[redacted]	New Drop Inn Cottage
[redacted]	[redacted]	[redacted]	New Drop Cottage
[redacted]	[redacted]	[redacted]	New Drop Cottage
[redacted]	[redacted]	[redacted]	New Drop Cottage
[redacted]	[redacted]	[redacted]	New Drop Inn Cottage
[redacted]	[redacted]	[redacted]	New Drop Inn Cottage
[redacted]	[redacted]	[redacted]	New Drop Inn Cottage
[redacted]	[redacted]	[redacted]	New Drop Inn Cottage

7 Conclusion

7.1 It is clear the Newdrop Inn Cottage has been occupied as dwelling, the sole and main residence of the Norris family for more than 10 years. This is in breach of condition 3 of permission 3/2002/0962. The occupation of the dwelling without compliance with the planning condition is now immune from enforcement and a lawful use certificate for its unrestricted use can be issued.

Appendices

Appendix 1 Planning permission notice 3/2002/0962 and plan
Appendix 2 Letter dated 7th August 2017 J F Norris.
Appendix 3 Delegated Item File Report 3/2002/0962P
Appendix 4 Council Tax valuation information
Appendix 5 2004 Assured shorthold tenancy agreement
Appendix 6 Statutory declaration of J F Norris
Appendix 7 a-c, Bank statements and letters, payslips

Judith Douglas Bsc Hons Dip TP MRTPI
Novemeber 2017

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[6] Appendix 6 Statutory declaration
[7] Appendix 7 Bank Statements letter and payslips J F, A M and D Norris