

# 320180677P



## RIBBLE VALLEY BOROUGH COUNCIL

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Dear Mr and Mrs Wasdell,

### **REQUEST FOR PRE-APPLICATION ADVICE RELATING TO THE REMOVAL OF CONDITION 3 OF PLANNING PERMISSION 3/2010/0572/P AT LAND ADJACENT TO HEATHERVIEW, MILL LANE, OFF SLAIDBURN ROAD, WADDINGTON, BB7 3JJ**

This pre-application enquiry relates to the removal of condition 03 of planning permission 3/2010/0572/P. In providing a response it is important to consider the planning history for the site. Planning permission 3/2010/0572/P granted consent for the erection of a self-catering holiday cottage and condition 03 restricted occupation of the holiday unit. Condition 03 reads as follows:-

*The unit(s) 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 a permanent accommodation. A register of such lettings shall be kept and made available to the Local Planning Authority to inspect on an annual basis.*

A detailed justification for the erection of a self-catering holiday unit was provided in support of the above planning application. It stated that the applicant's ran a bed & breakfast and tea rooms at Dovecote Tea Rooms but, due to increasing advertising and licensing costs, the bed & breakfast part of the business was not operating. Self-catering accommodation was considered to be a viable alternative.

In March 2013 planning application 3/2013/0266/P was submitted to the Council which sought to remove condition 03 of planning permission 3/2010/0572/P to allow the property to be used as permanent residential accommodation. The requirement for permanent residential accommodation had arisen through personal circumstances which had also resulted in closure of the applicant's business. The Planning Officer's delegated report confirms that whilst work had commenced on the building it was not habitable and there was no record of business rates or council tax payments. When assessed against the development plan it was determined that the application should be refused for the following reason:-

*Approval of the removal of this condition would not be in accordance with the NPPF presumption in favour of sustainable development, and it would also be contrary to guidance within Local Plan Policies G1, ENV1, H2, H15 and H23 and policies DMG1, DME2, DMH3 and DMH4 of the Ribble Valley Core Strategy (Regulation 22*

*Submission Draft). In practice, the removal of Condition 3 would be tantamount to the erection of a new dwelling at this site. The site is in a predominantly rural location and by virtue of its distance from the nearest village settlement is considered to be an unsustainable location for the creation of a new dwelling.*

Since the refusal of planning application 3/2013/0266/P in May 2013 the emerging development plan at that time, the Ribble Valley Core Strategy, has been adopted. Following its adoption in December 2014 the policies contained within the Core Strategy can be given full weight.

Core Strategy Policy DMH3 is relevant to this pre-application enquiry. It states that:-

**'THE CREATION OF A PERMANENT DWELLING BY THE REMOVAL OF ANY CONDITION THAT RESTRICTS THE OCCUPATION OF DWELLINGS TO TOURISM/VISITOR USE OR FOR HOLIDAY USE WILL BE REFUSED ON THE BASIS OF UNSUSTAINABILITY.'**

The sustainability of the site, in terms of access to services and facilities, was assessed by the Planning Officer in determining planning application 3/2013/0266/P and assessment of the proposals in this regard remains the same. It was considered that, despite being reasonably well related to existing dwellings, 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 site is considered to be in an unsustainable location and use of the building as permanent open market value (OMV) residential accommodation would not be sustainable development as defined by the National Planning Policy Framework and as required by Key Statement DS2 of the Ribble Valley Core Strategy.

Core Strategy Policy DMH3 sets out three circumstances in which residential development may be appropriate in the open countryside or AONB. These are: development essential for the purposes of agriculture or residential development which meets an identified local need; the appropriate conversion of buildings to dwellings and; the rebuilding or replacement of existing dwellings.

The applicant now seeks compliance with Core Strategy Policy DMH3 by offering the property as an affordable unit of accommodation. This would be secured by a Section 106 agreement which would restrict future sales of the property to minus 40% of OMV in perpetuity and would impose a local occupancy condition. It is the intention that the applicant's son would reside permanently at the property and, subject to him meeting the local occupancy conditions, this would technically be in compliance with the legal agreement.

The pre-application enquiry is submitted with details of email correspondence with Council Officers including the Director of Community Services and the Housing Strategy Officer in June and July 2017 both of whom confirm that the above approach would be acceptable and compliant with Policy DMH3.

Policy DMH1 sets out the groups of people that housing must be expressly for where proposals involve the provision of affordable housing units. This includes 'first time buyers currently resident in the parish or an adjoining parish' and 'people needing to move to the area to help support and care for a sick, older person or infirm relative' both of which it is stated apply to the applicant's son.

The National Planning Policy Guidance identifies the types of households that are considered in affordable housing need. The types of household include:

- homeless households or insecure tenure (e.g. housing that is too expensive compared to disposable income);
- households where there is a mismatch between the housing needed and the actual dwelling (e.g. overcrowded households);
- households containing people with social or physical impairment or other specific needs living in unsuitable dwellings (e.g. accessed via steps) which cannot be made suitable in-situ
- households that lack basic facilities (e.g. a bathroom or kitchen) and those subject to major disrepair or that are unfit for habitation;
- households containing people with particular social needs (e.g. escaping harassment) which cannot be resolved except through a move.

In such circumstances there is a requirement for the applicant to provide evidence to define the 'local need' and set out how the proposed dwelling would satisfy this need. Removal of condition 03 without sufficient evidence would set a dangerous precedent. I am mindful of recent correspondence with the Council's Housing Officer where it is accepted that a local housing need exists in Waddington.

In providing local needs housing a key element is the ability to afford. I have raised concerns regarding the value of the property which may be financially out of reach of any person(s) in need of housing in Waddington and surrounding parishes. However, I note an email from the Council's Housing Officer dated 25 July 2017 which accepts that the property would be affordable for someone in the income limit for affordable housing albeit at the higher end of the threshold.

Finally, it has been noted that the 'local connection criteria' within the submitted draft s.106 have been amended to widen the scope of the 'approved person' definition. This, in my view, would be unacceptable given that the general intention of policy is to provide housing to meet a specific 'local' need. There would be a requirement for the s.106 to contain the Council's standard wording and the applicants have agreed to amend the wording accordingly.

In conclusion, based on the views expressed by Council Officers there is an identified local housing need in Waddington and surrounding parishes. The harm arising from the removal of the occupancy condition resulting in a new permanent dwelling in the AONB would be outweighed by the benefits arising from the provision of one affordable unit of accommodation which would meet local housing needs and would be secured by s.106 legal agreement which would restrict future sales of the property to minus 40% of OMOV in perpetuity and would impose a local occupancy condition. As such, the proposal to remove condition 03 would be in accordance with the relevant policies of the Ribble Valley Core Strategy.

The above observations have been provided on the basis on the level of information submitted without prejudice to the final determination of any application received.

Yours sincerely

Adam Birkett (Principal Planning Officer)