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SUPPORTING PLANNING STATEMENT

APPLICATION TO SEEK THE REMOVAL OF CONDITION OF NO. 3 to 3/2002/0962

Newdrop Inn Cottage, Higher Road, Longridge

1.0 Background & Introduction

1.1 The submitted planning application seeks the removal of a planning condition placed upon the occupation of a detached cottage property within the envelope of 'The Newdrop Inn', a longstanding public house and restaurant sited at the junction of Higher Road and Old Clitheroe Road but with the cottage property actually fronting the latter highway.

1.2 The condition in question was attached by the Borough Council in 2003 when planning permission had been sought to build new manager's residential accommodation adding to the southern facade of the existing built development on site and change the use of existing manager's accommodation. The terms of the said condition required the vacation of the existing manager's accommodation while restricting the new occupation of the property to that "*utilised for holiday let purposes or public house annexe facility …….. for a period of no longer than 3 months in any one year*".

1.3 The new owners' accommodation was built and readied for occupation in 2004 and the applicants / site owners, Mr & Mrs Barr, moved in to what is known as Whitecross House. Newdrop Inn Cottage [also known as Newdrop Cottage] was let in late July 2004 to the Norris Family, albeit with its ownership being retained within the envelope of the overall The Newdrop Inn site. That occupancy of the cottage has however has perpetuated since 2004 to the current date, in effect as a permanently occupied residential unit. Having accepted the longevity of the continued occupation of the cottage as a dwelling, and being prompted of such by the Council in a recent pre-application exercise for prospective new facilities to encourage the on going marketing of the The Newdrop Inn property, and also knowing that there had been no intervening enforcement action against the occupancy, the applicants through their then agent submitted a Lawful Use application (CLEUD) to establish that the residential occupation of the cottage had become lawful over a minimum period of 10 years. The application submission was supported by Council Tax records advising that tax had been paid upon the cottage as a residential use - subsequently collaborated by Ribble Valley's Council tax section. In addition, there was a statutory declaration submitted from one of the family members, J.F.Norris, who has occupied the cottage since 2004, as well as other supporting information from that family member - bank statements, letters, payslips. The Council agreed that there had been sufficient evidence of collaboration presented upon the balance of probabilities to come to the conclusion that there had been non-compliance with the terms of condition no. 3 upon the occupation of the cottage for a period of over a ten years, and as such a certificate was granted on the 15th December 2017.

2.0 Application Analysis

2.1 As it currently stands with the issue of the CLEUD, the occupiers of The Newdrop Inn Cottage would be no longer susceptible to Ribble Valley Borough Council taking any enforcement proceedings against any planning breach in regard to the normal residential occupancy of the property - indeed there is now no such a breach to act upon. This usage can therefore perpetuate indefinitely. The Council's decision reason upon 3/2017/1055 advises that the applicants "*have provided sufficient information and evidence to prove that the property known as Newdrop Inn Cottage ….. has been occupied continuously as a dwelling within the meaning of Class C3 of the Town and Country Planning [Use Classes] Order 1987 [as amended] for in excess of 10 years*". However, the situation remains unsatisfactory as the formal use of the property is not resolved in perpetuity by the granting of the CLEUD upon residential occupancy. The other occupancy strand of the 2003 condition also remains outstanding in that it could be used as annex to the public house / restaurant facilities, although the element of the manager's accommodation ceasing upon the occupation of their new build accommodation is now completely irrelevant.

2.2 Looking at the situation with regard to a possible 'annexe' use related to the on going business use of The Newdrop Inn - and clearly the residential use of the cottage is totally relevant here and could be maintained as an on going rental arrangement even were the Norris family to vacate the cottage, providing a continued valuable income source for The Newdrop owners. Realistically there would be no reason to look at an alternative ancillary related use to the use of The Newdrop Inn given that the residential use has existed for 14 years and is likely to be much more profitable than any other 'in house' related use. Moreover, the Council will be aware of two pre-application planning submissions undertaken with the Council by the applicants representatives in 2017 that sought to diversify the uses of The Newdrop Inn, one being favourably received and one not so. It was not concealed that Barrs, the owners of The Newdrop Inn for 36 years, have contemplated retirement from the 'industry' now for some time and the business at the Newdrop needs to be sold on, albeit not necessarily as it currently exists. The owners have had the premises professionally marketed extensively as a going concern over a long period but to no avail with virtually no interest in a sale and no planning applications submitted to the Council for alternative uses. It is contended that the circumstances of the business use of The Newdrop has moved on since 2003 when the restrictive condition upon the holiday occupation or other related use of the cottage was attached. The Newdrop Inn is a substantial property in any event and it is contended that the likelihood of the cottage's floorspace being required for an ancillary annex use to the public house facilities is remote. The current owners have no use for the cottage in that regard and it is highly unlikely that a future purchaser would either. It is a standalone building and one which has suited a residential use and would continue to do so.

2.3 The applicants are aware that the 2nd Pre Application Enquiry, responded to by the Council in June 2017, sought a conversion to 5 permanent dwellings and this was not viewed favourably by the enquiry officer. It is considered however that the circumstances are somewhat different with regard to dealing with the use of an existing small building that has been in residential use for a long period as opposed to safeguarding the use of the much larger structure as a viable commercial enterprise - that being one of the criteria of the Core Strategy policy *DMB1*. As already stated the current situation of Newdrop Inn Cottage being rented for residential use, as opposed to holiday use, has become lawfully established.

2.4 Only one other matter outstanding matter persists should condition no. 3 be removed by the Council and given the acknowledgement in the decision reason of the lawful C3 usage of the cottage, and it is upon the potentially inherited permitted development rights that a 'residential' cottage would benefit from, although some are already withdrawn given the Article 2(3) status of the land. This situation might not be a comfortable one for the Borough Council, and as such it would be perfectly acceptable for the planners to attach a new condition removing permitted development rights. The applicants would not object to this or subsequently contest it.

3.0 Relevant Planning Policy - Relevance and Preciseness of the Planning Conditions

3.1 Paragraph 55 of the revised National Planning Policy Framework 2018 cites 5 criteria against which planning conditions ought to attached and that they should be kept to a minimum. Conversely in looking at whether an existing condition should be retained, it is contended, the same considerations ought to be applied now. The 'tests' of acceptability, all of which are relevant and should be met are whether a condition is 'reasonable', 'relevant to planning and the development permitted', 'enforceable', 'precise' and 'reasonable in all other respects'.

3.2 Firstly, the condition is no longer enforceable by reason of the period of time by which it has been occupied residentially contrary to the terms of the condition. Moreover the Council did not seek to monitor the use of the cottage since the condition was attached and the use commenced, even though it is a part of an easily located existing leisure / commercial use and not an isolated rural country rental cottage which might have had permission & which would be much more difficult to monitor upon a ‘passing by’ basis.

3.3 Secondly, it is not considered that the condition was sufficiently precise in terms of how it sought to control or monitor the length of occupancy a person or persons staying in the holiday cottage. The text merely stated occupancy shall not be longer than three months in any one year but the condition did not seek, as it ought to have done in holiday let uses, to require how the applicants ought to record this for monitoring purposes. Normally this is made quite clear in regard to keeping a register of bookings and subsequent occupancy that can be made available for inspection by the Council on a regular basis. And stated above though there was no monitoring at all of the use of the cottage.

3.4 Also in regard to preciseness the condition is vague upon the matter of being an “annex of the public house facilities”. Though the officers delegation report does make the thought intention of alternative, ancillary use clearer and that it might be in regard to “ancillary bed and breakfast accommodation in relation to the pub”, and clearly the intention was a related holiday use similar to the holiday cottage use which could be administered and catered for by the public house operation. However the actual wording of “annex public house facilities“ was so vague as to be irrelevant in order to advise the applicants as to what might be an acceptable alternative use, and as such the text did not warrant inclusion within the condition and need not now be retained.

3.5 In respect of the above factors as considered, the original condition has been shown to not comply with the requirements against which planning conditions should be attached and conversely assessing it now for removal against the five considerations cited for attachment in NPPF 2018 then it would not now be attached in the same form. Accordingly it has no value to the planning system in 2018.

4.0 Conclusion

4.1 The existence of condition no.3 which it is contended has become of little consequence since its original imposition, while the assessment of its wording against the NPPF it is neither concise nor precise. It’s retention furthermore detracts from the ability for the business owners to move forward in the coming year, 2019, with a clear strategy for alternative uses of The Newdrop Inn site which will be discussed in detail with the Council planners and tourism officials in the new year. Permanent residential use is not now a potential option for any modification / reuse of the existing public house premises and its grounds, and the Council can now take some comfort that that has now been disregarded. The permanent residential use of Newdrop Inn Cottage creates no precedent for the conversion of the existing commercial use of the site to residential, and nor do the applicants seek it. That is a different matter though to that now being considered.

4.2 The Newdrop Inn Cottage must now be viewed, especially in the light of the granted CLEUD, as a separate entity though given the assessment made in this statement and given its longstanding residential use of 14 years provided for the purposes of getting the CLEUD granted, irrespective of the tenure of the property.

It is a use that should now be allowed to continue as a standalone residential unit and as such original condition no. 3 to 3/2002/0962 ought to be removed from the original planning permission albeit with any safeguard attachments by means of a new condition / conditions removing permitted development that the Borough Council might consider appropriate in this case.

NCR

November 2018