



Gary Hoerty Associates

27 March 2019

Ref: Coc/820/2624/CS

The Director of Planning & Development
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Dear Sir

**Re: Our Client Mr A Cockburn, The Beeches, Clitheroe Road, Great Mitton, BB7 9PH.
Planning application to vary Condition 19 and delete Condition 20 of Planning
Permission 3/2018/0050 for the proposed change of use of agricultural land and
development of ten holiday chalets on land adjacent to The Beeches, Eastham House
Farm, Great Mitton.**

This letter accompanies an application, as described above, that we have submitted on behalf of our above-named client (Reference PP- 07735138).

Condition 20 states that the approved chalets shall only operate as a business associated with the dwelling, The Beeches, at the site and shall not be sold off as a separate business; and that the owner/site manager of the chalets shall therefore always reside at the dwelling currently known as The Beeches. The stated reason for the condition is "for the avoidance of doubt and to ensure that the chalets do not have a detrimental impact upon residential amenity and to ensure effective management of the site in accordance with Policy DMG1".

Firstly, we question whether a planning condition can legitimately be used prevent an applicant from selling off a business, and the land upon which it is situated, separately from their residential property. Provided the matters covered in the reason for the condition are satisfied, the ownership of land/property is not a material planning consideration. We would also contend that the site can be effectively managed, and the amenities of nearby residents can be protected without the site management being permanently resident at the site. Indeed, we found the imposition of Condition 20 to be somewhat surprising, as we are aware of numerous cases in the Ribble Valley in which applicants have requested a permanent dwelling to be occupied by the owners/managers of holiday accommodation of various types, but have been told by the Council that on-site residence is **not** necessary in order for the accommodation to be effectively managed/controlled. The imposition of the condition is therefore totally inconsistent with the Council's usual stance on this matter.

Therefore, whilst, in the first instance, the applicants might well reside at The Beeches, we consider it unreasonable to dictate by condition that the dwelling must be occupied by the site managers (whether that be the current applicants, or future different owners) in perpetuity. For the reasons that we have given above we would contend that Condition 20 is not necessary; the control over property ownership that it attempts to exert is not relevant to planning; as such, it



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is unenforceable; and it is unreasonable. The condition, therefore, in our opinion, fails to satisfy 4 of the 6 tests stated in NPPF Paragraph 55. For all these reasons, we request that Condition 20 be deleted.

Condition 19 requires the holiday let business to be carried out and managed in accordance with the Site Management Plan Ref: Coc/820/2326/CS that was submitted with the application. We wish to vary this condition because the Site Management Plan to which it relates states that the site management team will be resident at the dwelling, The Beeches, and that guests must report to the dwelling on arrival. In view of the request to remove Condition 20 an amended Site Management Plan (with a new reference number - Coc/820/2624/CS) has been submitted with this application. The alterations that have been made to the original Site Management Plan are as follows:

1. The title now refers to the approved (as opposed to proposed) development of 10 holiday chalets and its reference number has been changed.
2. At Section 4 it is now stated that, upon arrival, guests must report to the management team at the site reception/office (as opposed to at reporting to the dwelling, The Beeches). The reception/office will be formed within the existing single storey building that immediately adjoins the vehicular access road into the holiday chalet site.
3. At Section 6 the site management details have been amended by the deletion of reference to the names of the management team, as these will change over time. Guests, however, will be made aware of who they would need to contact during the period of their stay, both during daytime hours for general enquiries, and at all other times in the case of an emergency.

As we have said previously, in respect of other holiday accommodation, the Council have stated that permanent on-site presence by a member of staff is not necessary. We therefore trust that the Council will consider the amended Site Management Plan to be acceptable and that Condition 19 could be varied by simply replacing the old reference number with the new one.

Overall, we trust that we have submitted everything that the Council requires in order to validate and register the application; and that the submitted information/ documents are satisfactory such that the conditions can be deleted and varied as requested.

If, however, you require any further information to enable validation, please let us know at the earliest opportunity. Also, if you require any alterations to the new Site Management Plan in order for Condition 19 to be varied as requested, would you please give us the opportunity to make any such alterations prior to the determination of the application.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Colin Sharpe', written in a cursive style.

Colin Sharpe