

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

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

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Town and Country Planning Act 1990

**PLANNING PERMISSION**

**APPLICATION NO:** 3/2021/0595

**DECISION DATE:** 23 September 2021

**DATE RECEIVED:** 10/06/2021

**APPLICANT:**

L'Escargotiere (Ribble Valley) Ltd

27 Inglewhite Road

Longridge

Preston

PR3 3JS

**AGENT:**

David Liversidge

295 Rossendale Road

Burnley

BB11 5BZ

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**DEVELOPMENT PROPOSED:** Change of use of land and erection of building for heliculture (snail breeding) together with six log cabins to be used as holiday lets, following planning application refusal 3/2020/0940.

**AT:** Land at Preston Road Ribchester PR3 3XL

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Site Location Plan: Dwg no 21/55/6

Site Layout: Dwg no 21/55/5B

Proposed Building Plan: Dwg no 21/55/3

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

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3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

REASON: To ensure that the materials to be used are appropriate to the locality.

4. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

6. Before the access is used for vehicular purposes that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be appropriately paved using a permeable form of bitumen macadam, concrete, block pavements, or other approved materials.

REASON: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

7. Before the access is used for vehicular purposes, any gateposts erected at the site's point of access with Preston Road shall be positioned behind the nearside edge of an established field boundary hedge line with associated gates opening away from the highway.

REASON: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

8. The proposed access from the site to Preston Road shall be constructed to a (minimum) width of 7 metres and this width shall be maintained for a minimum distance of 10 metres measured back from the nearside edge of Preston Road carriageway vehicle running lanes.

REASON: To enable vehicles to enter and leave the premises without conflict, unhindered and in a safe manner without causing a hazard to other road users.

9. No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway improvement (namely an improved metaled and kerbed vehicular drop crossing) has been submitted to, and approved by, the Local Planning Authority. The off-site works shall be implemented in accordance with the approved plans prior to the use of any part of the development hereby approved.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

10. The parking facilities shown on the plans hereby approved shall be surfaced and made available in accordance with the approved plans prior to the use of the building; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interest of highway safety and to ensure adequate parking is available within the site.

11. The siting, details of the construction and design of external refuse recycling/bin stores shall be submitted to and approved in writing by the Local Planning Authority prior to their construction. The duly approved facilities shall be made available for use before the development hereby approved is first occupied and retained thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interest of visual amenity.

12. The landscaping proposals hereby approved (Drawing: Site Layout amended plan received 29.07.21) shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted. All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

REASON: To ensure the proposal is satisfactorily landscaped and trees/hedgerow of landscape/visual amenity value are retained as part of the development.

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13. Each holiday unit hereby approved shall not be let to or occupied by the owner, any one person or group of persons for a combined total period exceeding 28 days in any one calendar year and in any event shall not be used as a unit of permanent accommodation or any individual(s) sole place of residence.

The owner shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain:

- the name and address of the owner's permanent residence (where they pay Council tax and/ or are registered to vote and keep the majority of their possessions);
- the name and address (permanent residence) of main guest who made the booking together with dates of occupation.

For the avoidance of doubt permanent residence is where the owner/ guest pay Council tax and/or are registered to vote and keep the majority of their possessions.

REASON: The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism and contributes to the area's economy.

14. No development shall take place, until a construction management plan and transport routing plan has been submitted to and approved in writing by the Local Planning Authority.

The approved statement/plan shall be adhered to throughout the construction period. It shall provide for:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works
- Details of working hours
- How deliveries during construction will be managed
- Routing of delivery vehicles to/from site and manoeuvring within the site to ensure vehicles are able to enter/leave in forward gear.

REASON: to minimise the impact of construction on existing residents in the vicinity of the site.

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15. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

REASON: In the interests of the amenity of the area.

16. In accordance with the recommendations detailed within the Protected Species Report prepared by Tyrer Ecological Consultants LTD dated June 2021 details of the proposed ecological mitigation to include 2 bat boxes and 2 breeding bird boxes on trees within the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority before the hereby approved building and lodges are first occupied. The agreed mitigation shall be installed prior to the building and lodges hereby approved being first brought in to use and retained in perpetuity thereafter.

REASON: In the interests of biodiversity and to ensure that there are no adverse impacts on protected species.

17. Notwithstanding the provisions The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the accommodation building hereby approved shall only be used for snail breeding and distribution and associated education building and for no other purpose.

REASON: For the avoidance of doubt, and to avoid an over-intensive use and to ensure that the development remains compatible with the character of the area and the intensity and frequency of usage remains proportionate to the use hereby approved.

18. No waste/ snails from the heliciculture development hereby approved shall be disposed of within the application site or the wider area.

REASON: To avoid snails impacting on the biodiversity of the area and/ or creating a nuisance

19. The development hereby permitted shall be designed so that the rating levels for cumulative noise from external plant and equipment shall not exceed the existing background noise level (LA90) at the external façade of any noise sensitive premises, as assessed in accordance with British Standard 4142(2014) or any subsequent replacement national standards. Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority.

REASON: In the interests of the amenity of the area.

20. Prior to first use of the holiday accommodation hereby approved, precise details of the proposed means of management and operation of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall be operated in strict accordance with the approved details. This shall include details of the following:

- 1) The means by which entry to the site would be restricted only to persons who had previously booked to be at the site.
- 2) The times of day when persons with bookings can first enter and finally depart the site.
- 3) Details of the person or persons who would be responsible for assisting legitimate occupiers of the site with any queries/problems; and would also be responsible for ensuring that the behaviour of persons at the site is reasonable and not detrimental to the amenities of nearby residents.
- 4) Details of the times of the day (if at all) that there would be a representative of the site operators present at the site.
- 5) The addresses of the person or persons responsible for the operation of the site.

REASON: To ensure the operation of the site for the authorised use in the interests of the amenities of nearby residents.

**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.
3. The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.

*John Machole*

pp NICOLA HOPKINS  
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

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Notes

Right of Appeal

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

#### **Purchase Notices**

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.