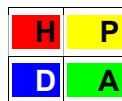


**Town and Country Planning Act 1990
Section 191**

Application for a certificate of lawfulness with regard to the use of Primrose Cottage, Lower Gill Farm, Lower Gill, Tosside, Skipton, North Yorkshire BD23 4SJ (As shown edged red on the accompanying location plan), unencumbered by the Section 106 agreement made on 15 December 2000 between Ribble Valley Borough Council and Jeffrey Alan Wilson and Patricia Heather Wilson of Catkins Lower Gill, Tosside, North Yorkshire.

Planning Statement



October 2021

Prepared by Hartley Planning and Development Associates Ltd

Application is made for a Certificate of Lawfulness relating to the above.

The application is made under S191 of the Town and Country Planning act ,1990. (as amended) and which states: -

(5)A certificate under this section shall—

(a)specify the land to which it relates;(See submitted layout plan and location plan)

(b)describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class); (The application is for a LDC relating to the lawfulness of Primrose Cottage, unencumbered by a S106 Agreement).

(c)give the reasons for determining the use, operations or other matter to be lawful; (See the submitted evidence below)

and

(d)specify the date of the application for the certificate (Application date is the date on the submitted application form)

On 5 January 2001, under application 3/00/0191/P, planning permission was granted to, *‘convert shippon, barn and workshop to cottage and three holiday lets, provide septic tank, water treatment housing, alter access drive, improve sightlines to existing access to Grunsagill Road’ at ‘Whittle Hill, Lower Gil,.Grunsagill Road, Tosside’.*

A copy of the planning approval and location plan is included with the LDC application

The LDC application relates to Primrose Cottage which is not at Whittle Hill but is at some distance away at Lower Gill.

While the location plan to application 3/00/0191/P is not in colour it is evident from the plan and from the application description and address that Primrose Cottage did not form part of the application.

Further evidence to this effect is provided by Lesley Wilson, formerly of Lower Gill Farm who states that *‘the planning application for Primrose would date back to 1994 as it was built and opened in 1995 - the same year as Catkins. It was classed as a holiday cottage but has never been subject to a section 106. The planning application of 2000 refers to the*

3 holiday cottages at the top of the hill - Whittle Hill, known as Swallows, Wagtails and Jenny Wren. They are subject to a section 106 and can only be holiday cottages’.

The application was indeed subject to a S106 Agreement limiting such uses. However, while the S106 for Agreement specifically ties the Agreement to the planning permission and the properties at Whittle Hill, the accompanying plan to the S109 Agreement encompasses Primrose Cottage within its red edged plan.

Application is now made to clarify that Primrose Cottage, at the address shown in the heading to this report, is not covered or constrained in any way by the said S106 Agreement.

The plan and text of the Section 106 agreement need to be read together. It cannot be the case that the Section 106 agreement relates to Primrose Cottage. Were that to be the case, it would mean that such an agreement did not meet all of the tests for section 106 agreements as detailed in paragraph 57 of the NPPF 2021 – i.e. it would not *‘directly relate to the development’* as approved and would not have been *‘necessary to make the development acceptable in planning terms’*.

The following is submitted in evidence: -

1. Planning approval No 3/00/0191/P and plan
2. S106 Agreement and plan relating to the above planning application.

As there is no need for any public consultation in respect of a S191 LDC application, and in view of the pending sale of the property, it would be much appreciated if a decision could be made very quickly.