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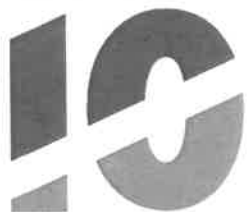
PLANNING STATEMENT

**IN SUPPORT OF PLANNING APPLICATION FOR THE REMOVAL
OF CONDITION 2 AND VARIATION OF CONDITION 3 OF
PLANNING PERMISSION REFERENCE 3/2013/0103 FOR THE
RETENTION OF A LIVE-WORK UNIT FOR A RURAL WORKER
AND PROPOSED ALTERATIONS**

**AT PARK STYLE, HIGHER LICKHURST, LEAGRAM, CHIPPING
LANCASHIRE, PR3 2QT**

**PREPARED ON BEHALF OF
THE DUCHY OF LANCASTER**

CELEBRATING



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1.0 INTRODUCTION

- 1.1 Directions Planning Consultancy Ltd has been asked by The Duchy of Lancaster to submit a section 73 planning application for the removal of condition 2 and variation of condition 3 of planning permission reference 3/2013/0103 in respect of the restrictions placed on the occupation of Park Style.
- 1.2 This Planning Statement deals with the planning policy framework and material considerations pertinent to the determination of the planning application. It has been prepared with reference to national and local planning policy guidance.

2.0 THE SITE AND SURROUNDINGS

- 2.1 Park Style is a building granted permission in 2013 to be used as a live work unit specifically for a rural worker working on Higher Lickhurst Farm. The building is located approximately 2.3km north east of the village of Chipping, within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). Vehicular access to the site is gained from the east via a track leading from Lickhurst Farm. A public footpath runs north east along this track towards Lickhurst Farm. Another runs west towards Park Gate whilst a third runs south west towards Buckbanks Wood.
- 2.2 The building is reflective of its agricultural setting, with a predominately traditional random stone exterior, stone surrounds to timber windows and slate roof, with functional positioned openings. There is a derelict former structure adjoining the building to the east, which has no roof. Internally there is a small section of conversion at ground floor allowing access to the first floor with the remainder of the ground floor consisting of stores. At first floor the residential spaces provide one bedroom and associated living spaces. The property fronts onto a small yard area with a detached stone and brick outbuilding, which is only partly roofed, opposite. The building is vacant, in an uninhabitable condition and a state of disrepair.

3.0 BACKGROUND TO THE APPLICATION

- 3.1 Park Style, along with the surrounding agricultural land, originally formed part of Higher Lickhurst Farm agricultural holding. In 2019, the Duchy of Lancaster acquired the agricultural land, agricultural buildings and Park Style live work building from the owners of Higher Lickhurst Farm who retained the farmhouse. Higher Lickhurst Farm now forms part of the Duchy of Lancaster's Whitewell Estate which, in turn, forms part of their Lancashire Survey along with three other estates, Myerscough, Salwick and Wyreside.
- 3.2 The Whitewell Estate extends to over 2,400 hectares. It is a core Duchy Estate and consists of an upland mixture of enterprises with sheep and dairy being the predominant agricultural use (and employer) alongside a wide residential portfolio and key sporting lettings. It provides 43 directly let residential homes, supports nine main farm businesses, 466 acres of woodland and includes 33 commercial and miscellaneous lettings. The Duchy has a significant holding and long-term interest in the area with a key focus to invest into the Estate to help and support a sustainable long term rural community.
- 3.3 In respect of the application site, Park Style, planning permission was granted (prior to the applicant's ownership of the land) in 2013 for residential use of the building subject to restrictive

planning conditions which limits the occupancy of the building to persons employed at Higher Lickhurst Farm (as it existed at the time) and their dependants, and requires 50% of the floorspace to be commercial.

- 3.4 Following acquisition of Higher Lickhurst Farm by the Applicant in 2019, the land was leased on an agricultural tenancy to an individual who owns, lives on and farms another agricultural unit close by. Therefore, Higher Lickhurst Farm is currently subsumed into an existing agricultural unit which does not require an additional residential unit.
- 3.5 Consequently, the restriction on the occupancy of Park Style has meant that investment has not been made to bring the property back into use. The property has not been inhabited since the applicant bought Higher Lickhurst Farm because the farm business which currently farms the land at Higher Lickhurst Farm inhabits a dwelling on a separate agricultural holding not owned by the applicant.
- 3.6 As a direct result of the occupancy restriction, Park Style continues to deteriorate. The Applicant would like to invest in bringing Park Style back into use before it deteriorates further but there is concern over investing significant sums into a building with a restrictive planning condition that might force it to remain vacant after refurbishment. As circumstances have changed, and there is no specific identified need for an agricultural worker's dwelling at Higher Lickhurst Farm. Given the applicant's unusual ownership and long-term approach on their Estates and commitment to rural communities then bringing the building back into beneficial use is seen to be the right thing to do as part of the Duchy ethos, to support the wider rural community, in terms of providing homes, economic benefits and protecting and enhancing the wider landscape on a number of fronts.

4.0 DESCRIPTION OF DEVELOPMENT

- 4.1 The main driver for this proposal is for the removal of condition 2 and variation of condition 3 of planning permission reference 3/2013/0103 to prevent further deterioration, allow this former dwelling to be renovated and brought back into beneficial use.
- 4.2 The proposal will include a proper and thorough refurbishment of the property (albeit that the physical changes do not require planning permission in their own right). These changes can be seen on the enclosed elevation drawings and floor plans.
- 4.3 The proposal will result in a re-ordering of the first-floor accommodation to create a two-bedroom flat. In terms of the ground floor, the kennels and store at the western end of the building are unchanged (note the restricted headroom in this area makes it unusable other than for very limited uses, including storage). A utility room is proposed on the ground floor which could serve both the commercial and residential. The space at the eastern end of the building is retained as the commercial floorspace with the floorplan showing an indicative layout. The commercial space would include the office, 75% of the neighbouring room (which also includes access to the flat above) and the utility room.

5.0 RELEVANT PLANNING HISTORY

- 5.1 Planning application 3/87/1064 for demolition of redundant barn and renovation of farmhouse was refused in 1987 for the reasons that the proposal was tantamount to a new dwelling and no agricultural justification existed to justify the proposal. Therefore, a new dwelling would be contrary to housing policy and would be detrimental to the Area of Outstanding Natural Beauty. A subsequent appeal was dismissed.
- 5.2 Planning application 3/2012/0817 was withdrawn.
- 5.3 Planning Permission reference 3/2013/0103 was granted on 15th March 2013 for the continued use of Park Style as a live work unit for a rural worker and proposed alterations.
- 5.4 At the time of the 2013 permission the property was occupied by the Under Keeper at Higher Lickhurst Farm. Permission was granted subject to, amongst others, the following restrictive conditions:

“Condition 2:

The residential floorspace of the live/work unit shall be limited to a person solely or mainly employed in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990), forestry or other rural workings at Higher Lickhurst Farm, a widow or widower of such a person, or any resident dependants. A register of the business (preferably financial) shall be kept and made available to the Local Planning Authority to inspect on an annual basis.

Reason: Account has been taken of the special circumstances put forward with the application. It is considered that the key justification behind the use of this building is as a live/work unit for an employee of the applicant. If the unit was used solely for permanent residential accommodation it would be contrary to Local Plan Policies G1, G5, H2, H15, H17 and ENV1, Core Strategy 2008/2028 Regulation 22 Submission Draft Policies DMG1, DMG2, DMB1, DMH3, DMH4 and DME2, and Key Statements EC1 and EN2, and guidance within the NPPF. The site is within an area where new residential development for purposes other than the essential requirements of agriculture, or forestry, or other rural workers are not normally permitted.”

Condition 3:

The proposed live-work unit shall be occupied as a single planning unit converted in accordance with the drawing No. 1913.P.001 Rev. A and a minimum of 50% of the floor space shall remain in use for employment purposes thereafter.

Reason: Account has been taken of the special circumstances put forward with the application. It is considered that the key justification behind the use of this building is as a live/work unit for an employee of the applicant, and if the unit was used solely for permanent residential accommodation, or as a separate business and residential uses, it would be contrary to Local Plan Policies G1, G5, H2, H15, H17, EMP9 and ENV1, Core Strategy 2008/2028 Regulation 22 Submission Draft Policies DMG1, DMG2, DMB1, DMH3, DMH4 and DME2, and Key Statements EC1 and EN2, and guidance within the NPPF.

5.5 The summary of reasons for approval set out in the decision notice was as follows:

“On the basis of the circumstances put forward by the applicant and the justification provided as part of this application, the proposal represents an appropriate form of development and given its design, size and location would not result in visual detriment to the surrounding countryside, nor would its use have an adverse impact on highway safety.”

5.6 The above planning history was prior to the Duchy of Lancaster’s ownership of the property.

6.0 PLANNING POLICY AND GUIDANCE

The following planning policies and guidance are considered to be relevant in the determination of the application.

Statutory Development Plan

6.1 The Development Plan for the area currently comprises the Core Strategy 2008 – 2028: A Local Plan for Ribble Valley (the Core Strategy).

6.2 There is no policy in the Development Plan for applications to remove/vary rural workers dwellings occupancy conditions. It is noted that the list of hitherto saved policies from the Districtwide Plan 1991-2006 states that policies H3, H4 and H6 of that plan ‘Conditions to Agricultural Dwellings’ have not been replaced and are ‘No longer applicable’.

6.3 Policy DMG1 gives an overarching series of considerations that the Council will have regard to in achieving quality development. Of particular relevance to this application is bullet point 3 of the Environment part of the policy which states that all development must protect and enhance heritage assets and their settings.

6.4 Policy DMG2 requires development to acknowledge the special qualities of the area. Furthermore, in protecting the designated Area of Outstanding Natural Beauty the Council will have regard to the economic and social well-being of the area, with new development accommodated by the re-use of existing buildings where possible.

6.5 Policy DMG3 (Transport and Mobility) provides that considerable weight will be attached to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development.

6.6 Key statement EN5 (Heritage Assets) states that there will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. This will be achieved through, inter alia, considering any development proposals which may impact on a heritage asset or their setting through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.

The National Planning Policy Framework

- 6.7 The National Planning Policy Framework (NPPF) sets out at paragraph 56 that planning conditions should be kept to a minimum and only imposed where they are:
- necessary;
 - relevant to planning;
 - relevant to the development to be permitted;
 - enforceable;
 - precise; and
 - reasonable in all other respects.
- 6.8 Paragraph 80 sets out that isolated homes in the countryside can be considered appropriate where, inter alia:
- *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
 - *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- 6.9 Planning policies and decisions are expected to help create the conditions in which businesses can invest, expand and adapt. As such, paragraph 81 requires significant weight to be placed on the need to support economic growth and productivity.
- 6.10 Paragraph 82 states that planning policies should, amongst other things, *'be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances'*.
- 6.11 Whilst recognising the need to actively manage patterns of growth to support sustainable transport objectives, paragraph 105 of the NPPF recognises that *"...opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."*
- 6.12 Paragraph 111 states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

Planning Practice Guidance

- 6.13 Paragraph: 015 Reference ID: 21a-015-20140306 states as follows:
"Is it appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people?"

Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.

A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.”

- 6.14 Planning Practice Guidance replaced, amongst many other things, Circular 11/95 on the use of planning conditions. It is of note that at the time of the 2013 decision, Circular 11/95 advised at paragraph 103 that *‘it should not be necessary to tie occupation of the dwelling to workers engaged in one specific farm or forestry business even though the needs of that business justified the provision of the dwelling’*. (n.b. Circular 11/95 was cancelled and replaced by the planning practice guidance which was launched on 6 March 2014).

7.0 MATERIAL PLANNING CONSIDERATIONS

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Act then the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

REMOVAL OF CONDITION 2

- 7.2 The principle of the use of Park Style for residential use, as part of the live/work unit was established by the grant of planning permission 3/2013/0103 in 2013. Condition 2 of the permission limited the occupation to someone employed, in agriculture, forestry or other rural workings at Higher Lickhurst Farm, a widow or widower of such a person, or any resident dependants.
- 7.3 Paragraph 81 of the NPPF states that *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt”*. It is also relevant to this case that paragraph 82 of the NPPF expects planning policies to *‘be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances’*.
- 7.4 There has been a significant change in circumstances since the 2013 permission was granted, which are now acting against the continued use of the building. Following the Applicant’s purchase of the building and the farmland that previously belonged to the farm business operating from Higher Lickhurst Farmhouse, the land is currently rented to, and farmed as part of, a neighbouring farm business. Having effectively subsumed Higher Lickhurst Farm into their agricultural unit, the current tenant farmer has no need for a further property. As a consequence of this, condition 2 therefore prevents Park Style from being occupied by anyone.
- 7.5 If these circumstances are allowed to continue, the traditional stone building would continue to deteriorate with consequent harm to the landscape. This is particularly important in respect of the application building which is an identified heritage asset within the Forest of Bowland AONB, as discussed below. Nevertheless, the Applicant, having taken on ownership of the Park Style,

wishes to invest in the property, so that it can be put back into a beneficial use. There are a number of reasons why such an approach should be supported and these are discussed below.

Heritage Matters

- 7.6 The buildings at Park Style are considered to be a non-designated heritage asset, as identified in the 2013 Officer Report. This assessment was influenced by the Council's own assessment of the building in 1987, the transcript of which is attached at Appendix 1 of this Statement.
- 7.7 The NPPF and the development plan provide strong support for preserving, and where possible enhancing, heritage assets. As set out above, the adopted Core Strategy includes Key Statement EN5 which recognises the important role heritage assets have to play in the Borough. It states that there will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. This will be achieved through, amongst other things, seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.
- 7.8 Key Statement EN5 reflects national policy. In particular, paragraph 80 of the NPPF sets out that new isolated homes should be avoided in the countryside unless, among other scenarios, the development secures the reuse of existing buildings or would represent the optimal viable use of a heritage asset. Consequently, reusing an existing building to secure a residential unit is clearly supported in local and national policy which intend for heritage assets to be conserved by ensuring they remain in viable use.
- 7.9 At the time of the 2013 permission, the optimal viable use for the building was the development which was applied for, i.e., a live work unit to meet the needs of the farm business to which the building belonged at the time. Whilst at the time the property was occupied by a worker employed at Higher Lickhurst Farm, the permission does not restrict the use of the commercial element of the live/work unit, save that it had to be occupied by someone meeting the terms of the agricultural occupancy condition. For the avoidance of doubt, this was not limited to a person solely or mainly employed in agriculture forestry or other rural workings at Higher Lickhurst Farm, but also to *'a widow or widower of such a person, or any resident dependants'*.
- 7.10 As has been explained, it is the case that, since Park Style was purchased by the Applicant, its use for the occupancy of an agricultural worker at Higher Lickhurst Farm is not required. Hence, the restriction imposed by condition 2 means that the property cannot now be occupied without being in breach of the condition. With the restriction in place, it is not economically viable for the Applicant to invest in the property which leaves the future of the building in doubt. In the longer term, the inevitable consequence is that the building will deteriorate, causing harm both to the heritage asset itself, and its setting within the protected landscape of the Forest of Bowland AONB. In this respect it is important to note that the 2013 Officer Report recognised the importance of the proposal in ensuring that it would prevent the building *'from falling further into disrepair'*.
- 7.11 Given the change in circumstances, the use specified in the planning permission is no longer the optimum viable use for the building. Indeed, that use is not viable at all because the need referred to in the decision no longer exists. In turn, this renders the building uninhabitable.

- 7.12 The removal of the restriction will allow the Applicant to invest in the property and would represent the optimum viable use for the building in line with paragraph 80 of the NPPF. Furthermore, this will ensure that the building will make an enhanced contribution to the environment and the economy of the AONB and, in line with paragraph 80 of the NPPF, in accordance with the presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings, contained within Key Statement 5 of the Development Plan.
- 7.13 The other option is to 'do nothing'. Doing nothing in this case and the future of the building is certain; it will simply be left to deteriorate. However, the grant of permission will help secure the long-term future of the building and ensure its integrity and the positive role it plays in the wider landscape, in accordance with the aspirations of the Development Plan and NPPF.

Landscape Impact

- 7.14 One concern raised in the 2013 Officer Report concerned the then operational Policy H15 of the DWLP which stated that *"problems can arise where isolated buildings in the landscape such as barns are proposed for conversion as the local landscape can be damaged and a degree of urbanisation imposed on an otherwise wholly rural view, which is linked to additional factors such as garden areas and car parks."*
- 7.15 There is no explanation in the Officer Report as to why the use of the property with no agricultural tie would be more harmful in landscape terms than if the property were occupied in accordance with the restrictions placed upon it. The Council has approved the use of the property as a dwelling and for commercial use (both as part of the live/work unit). Given that the extent of curtilage would be the same, there is no reason to believe that the residential trappings/paraphernalia associated with a dwelling subject to an agricultural tie would be materially less harmful than those associated with an open market dwelling. It matters not who occupies the dwelling, the (limited) level of harm would remain the same.
- 7.16 In conclusion on this point, the removal of the restrictive condition would not have a harmful impact on the landscape of the AONB. On the contrary; as set out above, there would in fact be a positive impact as a consequence of bringing the building back into beneficial use, securing the future of a building that has become an established feature of the landscape. Well-maintained traditional stone buildings, whether used as dwellings or for agricultural purposes, are an accepted feature of the rural landscape and the AONB. Ensuring the retention of existing buildings will, therefore, protect the current character of the area which might otherwise be harmed if the building is left to fall into disrepair.

Transport Matters

- 7.17 Whilst policy DMG3 of the current development plan seeks to promote sustainable modes of transport, this must be read in the context of the NPPF which recognises (paragraph 105) that maximising opportunities for sustainable transport solutions will vary between urban to rural areas. Paragraph 111 sets out that development should only be refused on transport grounds where there would be an *'unacceptable impact on highway safety, or the residual cumulative*

impacts on the road network would be severe'. These policies were also included in the 2012 version of the NPPF which was in force at the time of the 2013 decision.

- 7.18 We know from the 2013 Officer Report and the Summary of Reasons for Approval set out on the decision notice that there were no concerns about the impact of the residential/commercial use of the building on highway safety.
- 7.19 The Officer Report justified the restriction on the use of the property on the basis that "*Due to the location of the buildings in relation to the main highway network, the condition of the access track to the site from Higher Lickhurst and the relatively isolated position of the site within this area of the AONB.*"
- 7.20 The delegated report continued:
"The occupier of this unit will have two functioning roles on the farmstead during specific periods of the calendar year, and this location within the farm holding will help him 'sustainably' achieve his role by being close to each role. Therefore the ability to assist with both elements of his role by living and working close to the farm complex, and the reduced vehicle trips as a result of living on site, is cumulatively a material consideration, and forms the main justification for the requirement for the proposed new unit."
- 7.21 This approach appears to have relied on the personal circumstances of the occupier at the time of the 2013 application, ignoring the practical possibilities allowed by the condition which was subsequently imposed. This was not a personal permission. The condition allows for the occupation of the property by any person meeting the definition and 'a widow or widower of such a person, or any resident dependants'. Consequently, the property could be occupied by a couple where both of whom work. The 'dependant' would not be required to work on the farm but could (and most probably would) have a job/jobs elsewhere. The person meeting the terms the condition could also have part-time work (in agriculture or any other industry) elsewhere. The property could also be occupied by a working age widow or widower of someone who met the condition; that person could similarly have a job away from Higher Lickhurst Farm, and/or dependants who may also work.
- 7.22 Similarly, as referred to above, the commercial floorspace contained within the live/work unit is not linked specifically to Higher Lickhurst Farm; it simply refers to 'employment purposes'. On that basis, a business could be run from the unit by a 'dependant' of the person who meets the occupancy restriction. Alternatively, it could be run on a part-time basis by the person who meets the condition. In any event, that business would inevitably have vehicular movements associated with it and could have employees other than those living in the property.
- 7.23 In this context, taking into account the possibilities allowed for by the planning permission, as described above, the residual cumulative transport impacts of allowing an unrestricted dwelling in this location could not in any way be considered to be severe in the context of paragraph 111 of the NPPF.
- 7.24 Indeed, given that national and local planning policies at the time of the 2013 decision allowed for conversions of agricultural buildings without occupancy restrictions, it is surprising that it

was considered necessary, in the context of the prescribed tests for planning conditions (see paragraph 6.7 above), to restrict occupancy of the dwelling at all.

- 7.25 For these reasons, the restrictive condition was not necessary or reasonable in the context of transport policy as it stood at the time the 2013 permission was granted, and it is not so now.

Marketing

- 7.26 It is recognised that in most situations of this type there is an expectation (although, as set out above there is no development plan policy in this respect) that a property subject to an agricultural occupancy condition would be marketed to ascertain whether there was any interest in the property, at a discounted rate, by persons who would theoretically meet the condition.
- 7.27 However, given the restrictions placed on the 2013 permission by condition 2 it is not possible for the current owner to carry out such an exercise because there is no prospect of anybody coming forward who works at the farm business referred to, which of course does not exist, particularly in the context of it being a live/work unit. Such a marketing exercise would be otiose.

Conclusions in respect of the removal of Condition 2

- 7.28 There are clear environmental benefits associated with the removal of condition 2. The proposal would ensure that the building, an identified heritage asset, would be brought back into use and refurbished. This would not only result in a benefit to the building itself, but also to the wider landscape.
- 7.29 The proposal would also result in social benefits as the removal of condition would help provide a home for someone to live in, as opposed to the status quo, which means that the dwelling is not occupied and is not likely to be occupied in the future given the severity of the restriction put in place by condition 2. Economic benefits would flow from the property being occupied with residents spending money in the local economy. These are also benefits which weigh in favour of permission being granted.
- 7.30 On the basis that there are no relevant development plan policies in respect of the proposal to remove condition 2 (see paragraph 6.2 above), it is arguable that, in accordance with paragraph 11d of the NPPF, that planning permission should be granted unless, in this particular case, there would be unacceptable harm to the AONB, or that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. For the reasons set out in this Statement, it is not considered that there would be unacceptable harm to the AONB, in fact the proposal would result in benefits to the wider landscape by bringing this heritage asset back into beneficial use. The identified social, environmental and economic benefits clearly outweigh any limited harm that the Council considers may arise.

CONDITION 3

- 7.31 Condition 3 requires a minimum of 50% of the floorspace of Park Style to be used for employment use, and for the to be occupied as a single planning unit. The condition does not specify who the employment floorspace should be used by (save that it must be a person that meets the requirements of condition 2), or what type of business (or use class) it should be used in connection with.

- 7.32 The same criticism arises in respect of the imposition of condition 3 arises as set out above in respect of condition 2. Was it necessary and reasonable to impose a condition restricting the use of the property as a live/work unit when the development was in conformity with the Development Plan?
- 7.33 As set to above, the terms of condition 2 allow the property to be occupied by an agricultural worker etc. at Higher Lickhurst Farm and, importantly, a widow or widower of such a person, or any resident dependants. It would therefore be entirely within the terms of the permission for that employment floorspace to be used in connection with the business of a widow, or widower of such a person, or any resident dependants, i.e., by someone not employed at Higher Lickhurst Farm. Whilst the Council appear to have assumed that the 'work' element of the property would be agricultural, the type of business is not restricted.
- 7.34 The terms of the permission do not limit the number of employees that could work in the employment floorspace, although the number of employees would clearly be limited by the amount of floorspace. Nevertheless, the business carried out at the property could be one which requires employees to visit customers, or have customers visit the premises; any employees would almost inevitably have to travel to work by car given the location of the property. On that basis, it was not reasonable for the officer to conclude that the permission granted, would result in reduced vehicular movements that would in some way set it apart from a purely residential conversion.
- 7.35 Notwithstanding the above, the Applicant is happy to proceed on the basis that Park Style continues to be restricted to a *sui generis* live-work unit. Nevertheless, the 50% restriction imposed by condition 3 does not recognise the fact that inevitably some of the ground floor has to be used in connection with the residential use on the first floor, if not only to gain access. As set out above, some of the ground floor space has restricted headroom and would not be suitable for certain business uses. Varying the commercial floorspace requirement to a minimum of 25% would address this anomaly.
- 7.36 Furthermore, varying the terms of the permission by allowing flexibility to the restriction imposed by condition 3, would again serve to encourage the Applicant to invest in the property. The changes proposed would make the commercial space more attractive to a wider range of potential occupiers. This would all contribute to the overarching objective of renovating the property and ensuring that the building continues to play an important part in the rural landscape. Again, the alternative is to let the building deteriorate further, causing harm to the protected landscape of the AONB.
- 7.37 It is therefore requested that condition 3 be amended as follows:

A minimum of 25% of the floor space of the live/work unit hereby permitted shall remain in use for employment purposes. The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of that unit, a widow or widower of such a person, or any resident dependants.

8.0 SUMMARY OF THE PLANNING CASE

- 8.1 Taking into consideration the various matters outlined above, the removal of condition 2 of planning permission reference 03/2013/0103 would ensure that the building will be put to its optimum viable use, having regard to the change in circumstances that have taken place since the Applicant purchased the property. Removal of the condition would allow the Applicant to invest in this recognised heritage asset and ensure its long-term contribution to the character and appearance of the landscape within the Forest of Bowland AONB. These are significant environmental benefits which weigh heavily in favour of permission.
- 8.2 The proposal would also result in social benefits as the removal of condition would help provide a home for someone to live in, as opposed to the status quo, which means that the dwelling is not occupied and is not likely to be occupied in the future given the severity of the restriction put in place by condition 2. Economic benefits would flow from the property being occupied with residents spending money in the local economy. These are also benefits which weigh in favour of permission being granted.
- 8.3 There would be no harms arising from the proposal. The building already has a residential use associated with it and, as has been demonstrated, the removal of condition 2 will not result in any additional harms from a landscape perspective (indeed as set out above, there will be a positive landscape impact from the building being brought back into use); and there will be no severe impact on the road network. Furthermore, the 2013 Officer Report and reason for the original decision concludes that the development was acceptable in all other respects.
- 8.4 The imposition of condition 2 was, and remains, unduly restrictive, conflicting with Government advice at the time. Additionally, the condition does not serve a purpose and is overly restrictive in respect of current advice contained in the Planning Practice Guidance on the use of conditions.
- 8.5 The flexibility afforded by the variation of condition 3, so as to restrict the commercial floorspace to 25%, will serve to make the property more attractive to the local market, and ensure the above benefits are secured.
- 8.6 In light of this, it is requested that condition 2 of planning permission reference 03/2013/0103 be removed. In the absence of an identifiable harm, the continued use of the building without this restriction would constitute sustainable development resulting in benefits to the environmental, social and economic health of the area.
- 8.7 Furthermore it is requested that condition 3 of the 2013 permission be amended so that the commercial element of the live-work unit is amended to 25% to provide greater flexibility in being able to market the property and bring it back into beneficial use.

