

**Date:** 24 August 2023  
**Our ref:** [REDACTED]  
**Your ref:** 3/2023/0517

Kathryn Hughes  
Planning Department  
Ribble Valley Borough Council  
Civic Offices  
Clitheroe  
BB7 2RA

Dear Mrs Hughes

Planning Application (3/2023/0517) to use part of site for a residential unit (static caravan) at Abbott's Quarry, Abbott Brow, Osbaldeston, BB2 7HU

I have been asked by the owner/occupiers [REDACTED] for my professional advice on the above proposed development. As [REDACTED] are familiar with the background to the application site and, although never having entered the site, have observed changes which have periodically taken place over the [REDACTED] especially during the last 18 months.

Having viewed the site from Abbott Brow and the adjacent public footpath, I have spoken with my clients and studied the Council's files and consider that there are significant grounds to object to the proposal. Such objection would be consistent with the Council's views regarding the unsuitability of the application site for a permanent residential unit extending back to the 1980s.

I understand that, at that time, the site had ceased to be an operational quarry and had been operated for a temporary period (on tenancy) by Lancashire County Council for the storage of non-domestic waste materials mostly associated with its highways function, following which a land restoration programme had been undertaken by LCC. In the early 1980's the Borough Council was advised by the former quarry owner, [REDACTED] that he wished to live on site (at that time being in a very small, one roomed unfit building by the site entrance) since he had [REDACTED] with the former Quarry location, together with special personal and lifestyle reasons to remain living there for as long as possible.

In 1982 matters had come to a head when the Council, sympathetic to the special reasons put forward, agreed that [REDACTED] should be allowed to live on part of the former quarry, in temporary accommodation (a caravan) for as long as personally needed notwithstanding acknowledgement that that would be against its normal planning policy and the policies of Lancashire County Council. To reflect that unusual position, planning permission (3/82/0028) was granted in January 1982 for the siting of a caravan as a permanent residence, albeit for a restricted period. Condition 2 of 82/0028 stated "*This permission shall ensure for the benefit of [REDACTED] only and for no other person*". The reason given for the restriction was "*The local planning authority would not normally allow a residential dwelling in this location but have had due regard to the applicant's personal circumstances*".

In the Statement accompanying the present application the applicant (through his agent) states that [REDACTED] but that "*a caravan has remained continuously on site since 1982 and has been used intermittently for residential purposes*". It is unclear whether any such continued use was in breach of condition 2 of 82/0028. It is also not clear from the support documentation itself whether the 1982 caravan still remains on site or has since been replaced - although planning file photographs which accompanied recent application 3/2022/0142 and the subsequent Appeal show an old, dilapidated static caravan and adjacent semi-derelict timber garage at that time. That no longer appears to be the position

on site with a much newer static caravan in situ, possibly on a new base and what appears to be totally rebuilt adjacent timber garage, store or ancillary residential structure.

The current application Planning Statement continues (3.1) to explain that "*In essence the proposal seeks consent to use the caravan currently on site, and to which the floor plan and elevation plan refer, for residential purposes to be occupied by a specific person who is desperately and urgently in need of accommodation*". A separate statement, kept off the public file, explains those specific circumstances - that obviously being key to the justification for the application and a material planning consideration.

However, it is currently impossible for my clients or myself to assess the nature of that material consideration and whether it would accord with the extremely restrictive nature of personal conditions as guided by Government (Conditions) Circular 11/95.

What is unclear from the application details is whether the applicant is now saying that a valid permanent (and not discontinued or abandoned) residential use still exists on site or whether the present application is for a completely fresh assessment as to whether Abbott Brow Quarry is a suitable and sustainable location for a dwelling (whether temporary or with occupation restricted by condition).

In that respect my clients ██████████ challenge any suggestion that a viable residential unit, lawfully approved, capable of providing fit and suitable accommodation and regularly serving that purpose for the applicant has existed since ██████████ to the present day. ██████████ have not been aware of that, ██████████ and evidence on the Council's files suggests otherwise since there was no indication of the existence of a viable residential unit (ie caravan) in continued residential use in the details which accompanied refused application 3/2015/0689 eight years ago (for the erection of a detached 4 bedroom dwelling in place of the discontinued smithy/workshop and adjacent derelict store and garage). The poor condition of the workshop and garage (and site access) can be clearly seen within a heavily overgrown site on (planning file) photographs taken by the planning officer at that time.

The 2015 application form also throws light on the (none) use of the site at that time. In answer to Q14 (Existing Use) the applicant confirmed that the site was currently "*Vacant*", being a "*former quarry and associated workings and buildings*". Q10 (Vehicle parking) confirmed no parking facilities on site, whilst Q18 (Change to existing non-residential floorspace) confirms 'no such loss' (inferring that the former workshop and garage which the new dwelling would replace could not be regarded as any loss of viable commercial floorspace).

Additionally, Q17 (Loss or gain of residential units) confirms 'no existing residential unit' on the 0.2 ha red edged site so no claimed loss of any existing viable residential unit (including any remaining old caravan), accompanied by a claimed 'gain' of one new unit.

In our view, the above confirms that, certainly in 2015 and probably long before and since then, all the units on site had fallen into substantial disrepair or collapse to a point where any previous lawful use could be considered to be abandoned and any rebuilding or replacement would require planning permission as a new engineering operation.

However, the 2022 planning file for application 3/2022/0142 (conversion of the former smithy to a one-bedroom residential unit) shows that conditions on site had improved by 2022 with clearance of much of the central undergrowth/access and the apparent substantial repair/rebuilding of the former smithy building. Again, the application form confirms no existing residential unit, no loss of any viable non-residential use and no existing parking facilities associated with the 0.2 ha red edged application site.

As a further indication of whether any active operational use existed on the present 0.2 ha red edged application site we would invite the planning Case Officer to establish whether domestic rates have been levied by the Council in recent decades. We strongly suspect that the answer is none, certainly in respect of any claimed continued residential use of the old static caravan or any replacement thereof.

From the appointed Architect's illustrated Site Appraisal, submitted as part of the 2022 application, and from contemporary site inspection/ application drawings, it is clear that the static caravan has been recently replaced and is not that which existed in 1982 or even 2022. One might take the view that such change does not involve material development since the caravan is a wheeled, movable unit but planning permission

would be required, as a material change of use, for the positioning of a caravan on site (and any associated works) as a permanent or temporary residential (or holiday) unit following [REDACTED]

As part of the 2022 residential application and related planning Appeal the applicant submitted no material evidence to claim or prove that the present red edged site had a legitimate extant Class C3 Use in whole or part for residential purposes. Whilst the site history was explained to both the Council and the Planning Inspector, the position taken by both was that any dwelling would involve the establishment of a new residential use on site - that being considered as unacceptable and contrary to the policies contained in the adopted development plan and NPPF.

During the course of the 2022 application, questions were raised by objectors [REDACTED] as to whether the proposal formed part of a wider plan to redevelop and reconfigure the site whether by rebuilding long abandoned structures or eventually introducing new uses. That was because the architectural report which accompanied the application included details of the various former buildings on site had indicated an intention to restore or rebuild those structures irrespective of their derelict or collapsed condition at that time. That question was not resolved since the role of the Council and the Inspector at that time was to consider the specific single building conversion intention of application 3/2022/0142 but the changes which are now taking place again give rise to such speculation.

For example, the former derelict caravan appears to have been recently replaced by a more modern Willerby unit (and the derelict former garage which stood alongside it appears to have been completely replaced by a more modern timber structure), together with the presence nearby of earth moving machinery at the time of my inspection. In answer to 'Description of the Proposal' on the present application form the applicant confirms that development has not yet commenced. But the opposite appears to be the case. The form confirms the current use of the site as 'siting of residential caravan' but we would suggest that that does not accurately describe the lawful planning use for the reasons explained above.

It is unclear whether any enforcement action has been considered by the Council in respect of any of the recent site changes which could require prior planning permission.

But now the position taken by the applicant differs from his previous (failed) residential applications for the 0.2 ha site by stating on the application form that the proposal would now not involve the gain, loss or change of use of residential units. Again, for the above stated reasons, that answer is incorrect since there is no extant lawful use for the establishment, retention or occupation of a residential caravan.

Indeed, if such lawful use existed there would surely be no need for the applicant to strengthen the case for temporary residential (Class C3) use by offering a personal occupancy condition to effectively 'sweeten the planning pill'. Whilst the Council might have accepted such a condition in the early 1980s there would have been extenuating circumstances which expired on the vacation of the caravan by the named beneficiary, ie condition 2. That event effectively extinguished that permission and there is no evidence submitted as part of this application that the caravan has continued without a break as a viable permanent residence to the present day.

And even were that the case, the UK planning regime and its focus on sustainable development has since moved on, especially in respect of development in rural areas. Also, Local Planning Authorities are cautioned by paragraphs 92 and 93 of Government Circular 11/95 which argues against use of personal conditions and states "*Planning controls are concerned with the use of land rather than the identity of the user and the question of who is to occupy the premises for which permission is to be granted will normally be irrelevant*". Hence my earlier question of whether occupancy of a caravan in this unsuitable former rural quarry is fundamental to solving the critical needs of a specific individual in this particular, unsustainable manner or whether the application is a precursor of wider intentions to establish an unrestricted permanent residential use in this location or even wider regeneration (with or without planning permission) of the remainder of the former quarry.

The Council's resistance to the 2015 and 2022 applications was founded upon conflict with its development plan policies, particularly in relation to strategic development and to the establishment of isolated dwellings within the sensitive open countryside. Those same policies still apply to the present proposal which seeks to establish (even if on an occupier-controlled basis) a new residential unit within the open countryside.

Without knowledge of the exact reasons for the personal occupation requirement it is difficult for my clients and myself to make a balanced assessment of the proposal against national and local planning policy, particularly in relation the Circular 11/95 context - in other words why is this particular location so uniquely important for a new residential caravan application, given its isolation and its contextual inadequacies? Is it, for example, to locate 24-hour security staff on site whilst the remainder of the quarry is redeveloped? But that would pre-empt a decision by the local planning authority on the nature of any wider rebuilding or redevelopment (or new uses) requiring planning permission - effectively 'putting the cart before the horse.' There is no clear explanation in the application details to guide us differently.

Putting aside the broader general policy considerations we would argue that the former quarry and specifically its raised perimeter location is an inappropriate site for any static caravan or related domestic paraphernalia. Whilst there are some trees providing screening around and within the quarry when 'in leaf', further clearance could take place, making the caravan and its new associated timber building highly visible from the adjacent, well used, public footpath and open countryside – especially in autumn and winter.

In its previous opposition to the proposal the Council and local residents expressed concern about impact on the sensitive rural environment - that being reflected in reasons for refusal and also accepted by the Appeal Inspector. The same concerns remain today.

Similarly, concern was expressed about possible traffic danger on Abbott Brow with views expressed by the Highway Authority that any continued use of the access would require improvement to sightlines and the setting back of a wider entrance. Such improvements do not appear to be part of the present proposal.

In summary, we consider the proposal to be in conflict with the development plan in a number of key areas, justifying refusal. The Council has previously put down a strong marker that this is not an appropriate location for a dwelling, even on a temporary basis. Any suggestion that this is a long-established residential caravan location with an established use, underpinned by a valid planning permission, is ill founded.

The position which, we would respectfully suggest, the Council should take is that it has previously expressed its professional views on the unsuitability of residential location within the former quarry and that the present application should be treated as a proposal to introduce a new residential use into an isolated rural location. On that basis the proposal conflicts with development plan Key Statements DS1 and DS2 and policies DMG1, DMG2 and DMH3 and should be refused.

