

Planning statement against the refusal of RVBC to allow variation of Condition 12 of 3/2023/0281 to modify the occupancy clause at Morans Farm Pendleton Road Wiswell.

Application Reference 3/2024/0509 Decision Date 30/08/2024

In relation to the decision of the Council to refuse Planning permission to vary the condition relating to the occupancy tenure of the lodges at Moran Farm the inspector is asked to refer to the Planning statement and appendices submitted with the planning application.

The inspector is also requested to take account of the following in response to the reason for refusal and issues in the delegated officer report.

The Council argue that the site is materially different from the recent decision issued by Ribble Valley Borough Council at Rimmington Caravan Park. (3/2020/1104). It would seem to be the case, that the main difference relates to the number of units at the appeal site. However, the argument put forward in relation to the loss of economic benefit has not been substantiated and no evidence of any report has been included by the Council to conclude that there is a likelihood that long-term occupancy may generate a lower economic return to the area. Even if this was the case, the counter argument is that by allowing a more flexible approach it may lead to higher occupancy rates which in itself could generate wider and more extensive economic benefits to the locality.

It would seem to be from an assessment of the delegated report that part of the case of the Council is that the appeal site because it is only 4 units that it is more important to prevent longer occupancy on small sites yet on larger sites such as the Rimmington is not too critical. It submitted that they should not be the case and that there is a need for consistency in the decision-making process of the Council. Equally if the argument is about economic returns to the area it would surely be the case that allowing a larger site to have long-term occupancy would have a greater impact than economic returns than a small site .

Finally, it is noted that the Council referred to numerous policies in the delegated report yet it does not actually attach a policy reason for refusal in its decision notice but refers to the development as being contrary to the Core strategy. It would have been useful to establish specifically which policy the council consider this development to be contrary to allow enable a greater understanding of the reason for refusal issued by the Council.

Notwithstanding the concern of the Council regarding the enforceability of the suggested Planning condition the wording of this condition has been previously accepted by the Council and it is considered that although this is a smaller site, it would not make it more difficult to enforce to ensure that the units are not occupied as permanent residential accommodation.

The Council in its reason for refusal express concerns that by allowing for long-term occupancy it would be likely to change the character of the site to one of a more residential nature. It is submitted that although long-term occupancy may result in less traffic movement there is little physical change that long-term occupancy would have on the site. The delegated report submitted by the Council to accompany the decision notice does not specify any physical changes that would arise from long term occupancy that would actually be harmful so it is considered that no harmful impact has been demonstrated by the Council.

To conclude, the inspector is asked to allow the appeal on the basis that there is no material harm as a result of the suggested alteration to the Planning condition nor does it prevent the Council from taking enforcement notice action should they consider that to be necessary.