

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

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

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990

REFUSAL OF MODIFICATION OF SECTION 106 AGREEMENT

APPLICATION NO: 3/2026/0126

DECISION DATE: 10 April 2026

DATE RECEIVED: 03/03/2026

APPLICANT:

Birdhall Developments Ltd
Birdhall Cottages
Rowlands Road
Summerseat
Bury
BL9 5PA

AGENT:

Jo Townson
Meller Speakman
Aus-bore House
19-25 Manchester Road
Wilmslow
SU9 1BQ

DEVELOPMENT PROPOSED: Proposed modification of S.106 Agreement dated 21st June 1988 relating to planning permission 3/1987/0427 to remove the holiday occupancy restriction.

AT: Fox Run Cottage Clitheroe Road Great Mitton BB7 9PH

Ribble Valley Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission **has been refused** for the modification of planning obligation (relating to S106 agreement) of planning consent for the following reason:

1	The proposal is considered to be in direct conflict with Key Statement DM12 and Policy DMG3 of the Ribble Valley Core Strategy and the overarching objectives of the National Planning Policy Framework (NPPF) insofar that the variation to the S106 Agreement would lead to the creation of a new residential dwelling in an unsustainable location whereby there would be a reliance on private motor vehicle by occupiers of the dwelling to access key services and facilities. When applying Paragraph 11d)ii of the NPPF, the resultant harm from allowing residential development in this unsustainable location is considered to significantly and demonstrably outweigh the benefits.
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Note(s)

- 1 For rights of appeal in respect of any reason(s) attached to the decision see the attached notes.
- 2 This Decision Notice should be read in conjunction with the officer's report which is available to view on the website.

Nicola Hopkins

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

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 unless the following apply:

- If this is a decision to refuse planning permission for a householder application or 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.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], 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 this notice.
- 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.

Appeals should be made online via <https://appeal-planning-decision.service.gov.uk/before-you-start>. If someone does not have access to the internet and needs help completing the appeal digitally, they should contact the Planning Inspectorate customer service team on 0303 444 5000 who will provide details of support options available.

Before making an appeal, you may find it helpful to review guidance and watch a video explaining the appeals process at <https://www.gov.uk/government/collections/make-an-appeal-to-the-planning-inspectorate-and-associated-guidance>.

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.