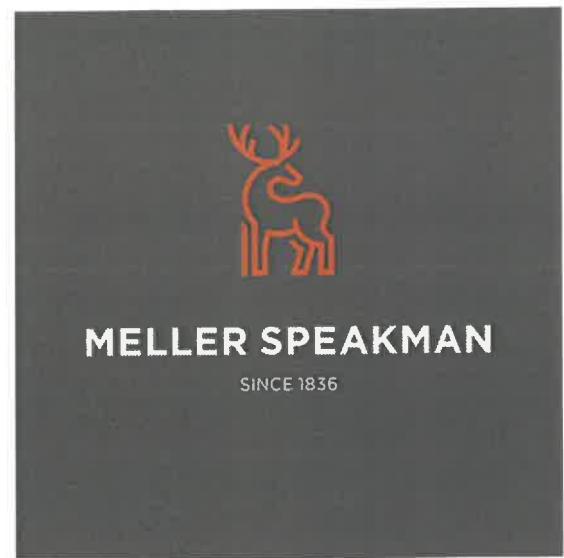




PLANNING STATEMENT

Application to modify a planning obligation under s 106A

Fox Run Cottage, Clitheroe Road, Great Mitton BB7 9PH

DATE:

12 February 2026

BY:

Jo Townson MRICS



1. Introduction

This Planning Statement is submitted in support of an application made under Section 106A of the Town and Country Planning Act 1990 to modify a planning obligation originally entered into under Section 52 of the Town and Country Planning Act 1971. The obligation was entered into in connection with planning permission reference 3/1987/0427 and applies to the property known as Fox Run Cottage, Great Mitton.

The Section 52 Agreement includes a covenant by the owner with Ribble Valley Borough Council that the property shall be permanently subject to an occupancy restriction regulating the development. The operative wording of the restriction provides that:

“the dwellings which are the subject of the development shall not be occupied as permanent residential dwellings or be occupied other than as holiday accommodation.”

The effect of this covenant is to prohibit permanent residential occupation and to restrict use of the property to holiday accommodation only.

This application seeks a targeted modification of that restriction insofar as it applies to Fox Run Cottage, to allow permanent residential occupation. The remainder of the Section 52 Agreement would remain unchanged.

2. Site Description and Planning History

Fox Run Cottage forms part of a group of former agricultural buildings at Higher House Farm, Great Mitton. The buildings were converted in the 1980s following the grant of planning permission for self-catering holiday accommodation.

Planning permission 3/1987/0427 authorised the creation of multiple holiday units, and the associated Section 52 Agreement was imposed to ensure that the units were used for holiday purposes rather than as permanent dwellings. This reflected the prevailing planning policy context of the late 1980s, which placed significant emphasis on restraint of permanent residential development in the open countryside and sought to promote tourism uses as an alternative form of rural diversification.

3. Long-Established Residential Use

Notwithstanding the holiday-only restriction, Fox Run Cottage has, in practice, been occupied as a permanent residential dwelling for a substantial period, understood to exceed ten years. During this time, the property has functioned continuously as a settled home and primary residence.



The occupation has been typical of a Use Class C3 dwellinghouse. The pattern of use has been stable and consistent, with no evidence of short-term holiday lettings, frequent changeovers, or tourism-related activity. In planning terms, the property has been indistinguishable from other permanent dwellings in the locality.

While a recent application for a Certificate of Lawfulness was refused on legal and evidential grounds, that refusal does not undermine the factual position that Fox Run Cottage has been used as a permanent home for a prolonged period. Rather, it confirms that the appropriate mechanism to regularise the position is through modification of the planning obligation.

4. Absence of Planning Harm

The prolonged period of permanent residential occupation has not resulted in any identifiable planning harm.

In highway terms, permanent occupation has not resulted in traffic generation beyond what could reasonably arise from lawful holiday use. Indeed, holiday accommodation typically gives rise to more intensive comings and goings associated with short stays, changeovers, servicing, and visitor trips. Permanent residential use represents a more settled and predictable pattern of movement.

There has been no harm to the character or appearance of the building or its rural setting. The physical form of Fox Run Cottage has not changed as a result of residential occupation, and the use does not alter its visual relationship with the surrounding countryside or the Forest of Bowland National Landscape.

No adverse impact has arisen in terms of residential amenity. A settled household is generally quieter and less disruptive than short-term holiday occupation, particularly in relation to evening activity and turnover of occupants.

There is no evidence that residential occupation has placed pressure on local infrastructure or services beyond what could arise from holiday use.

Importantly, the Council has not identified or pursued enforcement action in response to the residential occupation over the extended period it has occurred, reinforcing the conclusion that no material planning harm has arisen.



5. National Planning Policy Framework

The National Planning Policy Framework (NPPF) requires that the planning system be genuinely plan-led, proportionate, and focused on achieving sustainable development. It emphasises the importance of effective decision making and avoiding unnecessary or unjustified restrictions.

The NPPF also supports the effective use of existing buildings, particularly where this avoids unnecessary development and where impacts are acceptable. Controls imposed through planning conditions or obligations should only be retained where they remain necessary to make development acceptable in planning terms.

In this case, the restriction on permanent residential occupation no longer serves that purpose. The impacts of residential occupation have been tested in practice over a prolonged period and have not resulted in harm. Retaining a restriction simply because it was imposed historically, rather than because it remains necessary, would be inconsistent with the NPPF's emphasis on proportionality and evidence-based decision-making.

6. Ribble Valley Core Strategy – Detailed Policy Analysis

The Ribble Valley Core Strategy provides the relevant local policy framework.

Policy DMH3: Dwellings in the Open Countryside and AONB seeks to strictly control new residential development in the open countryside and includes wording indicating that the creation of permanent dwellings through removal of holiday occupancy conditions will normally be refused on sustainability grounds.

This application is materially different from the scenarios envisaged by Policy DMH3. It does not involve the creation of a new dwelling through development, nor does it seek to introduce residential use in principle. Fox Run Cottage already exists and has functioned as a permanent dwelling for many years. The sustainability impacts associated with permanent occupation have therefore already occurred and have not resulted in harm. The proposal is to regularise a long-established situation rather than to create a new one.

Policy DMH4: The Conversion of Barns and Other Buildings to Dwellings supports the residential use of existing buildings where they form part of a group, where there is no material harm to landscape character, and where the conversion respects local distinctiveness. Fox Run Cottage forms part of an established group of converted



buildings, and no further physical works are proposed. The continued residential use aligns with the objectives of this policy.

Key Statement EC3: Visitor Economy and Policy DMB3: Recreation and Tourism

Development support tourism development where appropriate. However, these policies do not require the retention of holiday accommodation where such use is no longer taking place in practice. Fox Run Cottage has not operated as an active holiday unit for a significant period, and modification of the obligation would not result in the loss of a functioning tourism asset.

Policies relating to landscape protection within the Forest of Bowland National Landscape seek to conserve natural beauty. The residential occupation of Fox Run Cottage has not altered the building or its setting and therefore does not conflict with these objectives.

7. Regulation 122 – Modern Tests for Planning Obligations

Although the obligation predates the Community Infrastructure Levy Regulations 2010, it is appropriate to assess it against the tests set out in Regulation 122.

Planning obligations must be:

- necessary to make development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind.

The holiday only occupancy restriction, as applied to Fox Run Cottage, no longer meets these tests. It is not necessary to make the development acceptable, as residential occupation has occurred without harm. It is no longer directly related to mitigating any identifiable planning impact. Given the passage of time and absence of harm, it is not fair or reasonable to retain the restriction.

8. Statutory Tests under Section 106A(3)

Section 106A(3) provides that a planning obligation may be modified if it no longer serves a useful planning purpose, or if it would serve such a purpose if modified.

In this case, the restriction no longer serves a useful planning purpose. The objective of preventing permanent residential occupation has been overtaken by events, and the restriction does not mitigate any current harm.



Alternatively, if the Council considers that some useful purpose remains, that purpose would be served if the obligation were modified in a limited and targeted manner to allow permanent residential occupation of Fox Run Cottage while leaving the remainder of the agreement intact.

9. Proposed Modified Clause

It is proposed that the Section 52 Agreement be modified so that the restriction preventing permanent residential occupation shall not apply to Fox Run Cottage. All other provisions of the agreement shall remain in full force and effect.

10. Conclusion

Fox Run Cottage has been occupied as a permanent dwelling for a substantial period without giving rise to planning harm. The holiday occupancy restriction no longer serves a useful planning purpose and fails modern policy and statutory tests.

The requirements of Section 106A(3) are satisfied, and the Council is respectfully requested to approve the modification of the planning obligation to allow permanent residential occupation of Fox Run Cottage.