

High Beech House, 8a Crow Trees Brow, Chatburn BB7 4AA.



Source Google earth 2024

Removal of condition 7 on planning permission 3/93/0817 for the erection of a detached dwelling-house and double garage, formation of vehicle turning area and landscaping details.

Planning Statement. JDTPL0590



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STATEMENT IN SUPPORT OF AN APPLICATION TO REMOVE CONDITION 7 ON PLANNING PERMISSION 3/93/0817 WHICH RESTRICTED PERMITTED DEVELOPMENT RIGHTS ON THE PROPERTY AT HIGH BEECH HOUSE, 8A CROW TREES BROW, CHATBURN BB7 4AA

1 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Judith Douglas Town Planning Ltd in support of an application under section 73 of the Town and Country Planning Act 1990 to remove condition 7 on planning permission 3/93/0827 to restore full permitted development rights at High Beech House.
- 1.2 Planning permission was granted on the 10.03.1994 for *“the erection of a detached dwelling-house and double garage formation of vehicle turning area and landscaping details”*. The permission was subject to several conditions including *“7 Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking or re-enacting that order) any future extensions, external alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to E shall not be carried out without the formal consent of the local planning authority.”* The reason for the condition was given as *“In view of the restricted size of the site the local planning authority wished to retain effective control over any extensions any future occupier may propose”*. See appendix 1 Decision Notice 3/93/0817P.
- 1.3 Schedule 2 Part 1 Classes A to E of the 1988 GPDO referred to:
Class A The enlargement, improvement or other alteration of a dwellinghouse.
Class B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
Class C. Any other alteration to the roof of a dwellinghouse.
Class D. The erection or construction of a porch outside any external door of a dwellinghouse.
Class E. The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse, or the maintenance, improvement or other alteration of such a building or enclosure.
- 1.4 At the time the planning permission was granted the curtilage of the property was restricted in size and the settlement boundary of Chatburn followed the site boundary. Since that time, a large area of land to the west of the property has been incorporated into the garden of High

Beech House and the use of the land as garden/curtilage has been regularised under planning permission 3/2026/0231. The settlement boundary of Chatburn has also been extended.

- 1.5 This application seeks the removal of the condition because it is no longer necessary.

2.0 APPLICATION SITE AND SURROUNDING AREA

- 2.1 High Beech House and its garden is within the settlement boundary of Chatburn and outside but adjacent to the conservation area boundary as defined in the Housing and Economic Development, Development Plan Document Proposals Map, sheet 5 inset 28 see extract Figure1.

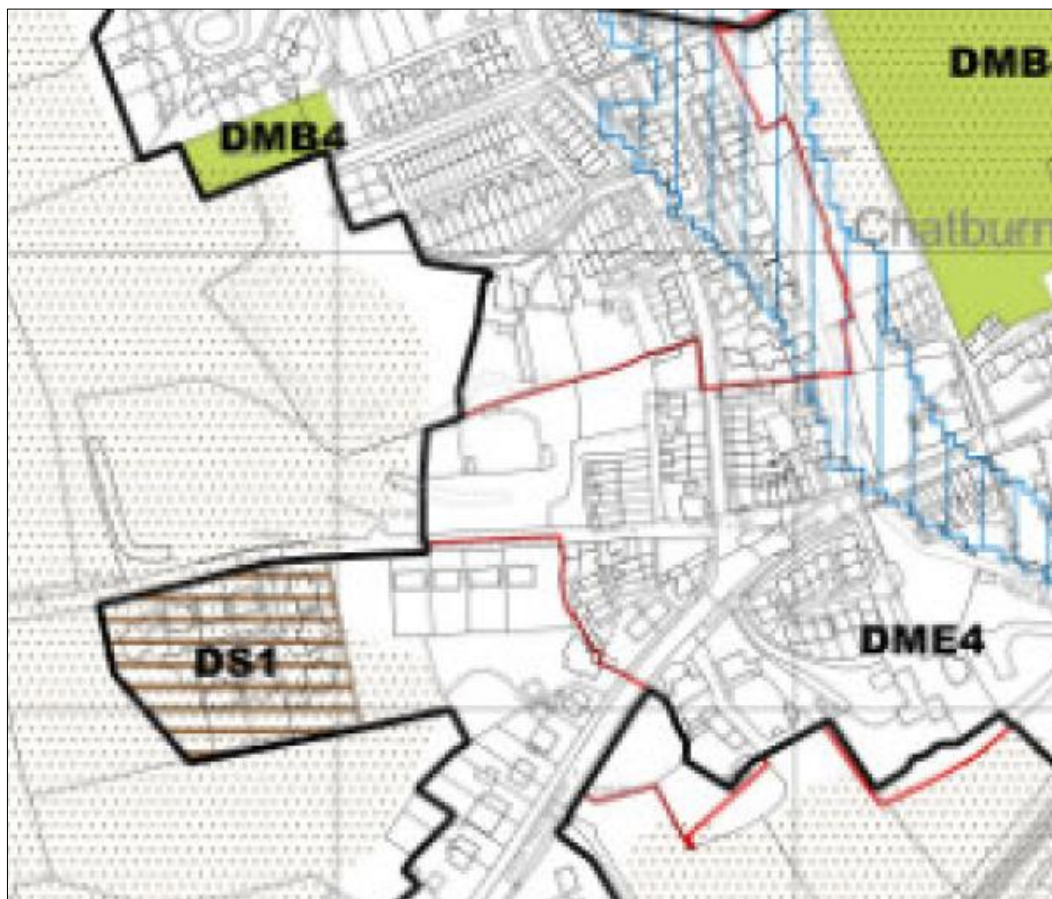


Figure .1 Housing and Economic Development, Development Plan Document Proposals Map, sheet 5, inset 28 (extract).

- 2.2 High Beech House is a detached dwelling, set within a large garden. In the garden is a garage a summerhouse, a greenhouse and the driveway. A public footpath FP0311001 passes over the drive to the front of the house and then passes outside the garden along the southern boundary. The path is separated from the garden by a fence and a high, dense evergreen hedge.

- 2.3 The house and garden are surrounded by other houses and bungalows, except on the western side where there is vacant land between the garden and the new housing to the west.

3.0 PLANNING HISTORY

- 3.1 The planning history below is taken from the Council's website. It is not a complete record of the planning history of the site.

Application	Address	Development	Decision
3/1993/0817	Land off, Crow Trees Brow, Chatburn, Clitheroe	Erection of detached dwellinghouse and double garage formation of vehicular turning area & landscaping details	Approved with conditions 10/03/1994
3/2022/0333	High Beech House 8a Crow Trees Brow Chatburn BB7 4AA	Fell T1 (Beech) due to structural defects and decay. Crown Reduce, lift and thin T2 (Sycamore).	Approved 05/05/2022
3/2026/0299	High Beech House 8a Crow Trees Brow Chatburn BB7 4AA	Proposed single storey rear extension.	Approved with conditions 05/06/2026
3/2026/0231	High Beech House 8a Crow Trees Brow Chatburn BB7 4AA	Regularisation of use of land as garden, construction of summerhouse, greenhouse and hard standing.	Approved with conditions 19/05/2026

4.0 SCHEME PROPOSALS

- 4.1 This application seeks to remove condition 7 in its entirety to restore full permitted development rights to the dwelling.

5.0 RELEVANT PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole and requires planning applications to be determined in accordance with the plan, unless material considerations indicate otherwise. In this case the relevant parts of the development plan comprise the Ribble Valley Core Strategy (adopted 2014). The National Planning Policy Framework (NPPF) (December 2024) is also relevant.

- 5.2 The specific policies in the Core strategy relevant to the application are:

- Key Statement EN5: Heritage Assets- expects there will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings.

- Policy DMG1: General Considerations – sets out various criteria to be considered in assessing planning applications, including a high standard of building design, proposed development being sympathetic to existing land uses, highway safety and not adversely affecting the amenities of the area.
- Policy DMH5: Residential and Curtilage Extensions. Proposals to extend or alter existing residential properties must accord with Policy DMG1 and any relevant designations within which the site is located.
- Policy DME4: Protecting Heritage Assets- in considering development proposals the Council will make a presumption in favour of the conservation and enhancement of heritage assets and their settings.

5.3 Paragraph 55 of the NPPF states *“Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.”*

5.4 The Planning Practice Guidance states

“What approach should be taken to using conditions?”

What should a local planning authority do to ensure that the tests in national policy have been met?

[Paragraph 55](#) of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply. See also [guidance on the use of model conditions](#).

Paragraph: 003 Reference ID: 21a-003-20190723

Revision date: 23 07 2019.”

6.0 EVALUATION

- 6.1 This section of the statement will provide a justification for the removal of the planning condition.
- 6.2 The main issues to be considered are whether condition 7 is still necessary given the change in circumstances at the dwelling, whether it is still relevant to the development permitted, and is still reasonable in all other respects.
- 6.3 At the time the house was granted planning permission only a small portion of the land at High Beech House was within the settlement boundary of Chatburn. Ribble Valley Districtwide Local Plan 1998 Sheet 6 inset 7 Chatburn. See figure 2. Since then, the settlement boundary of Chatburn has been amended so that the whole of the land at High Beech House is now within the settlement boundary of Chatburn. See figure 1.

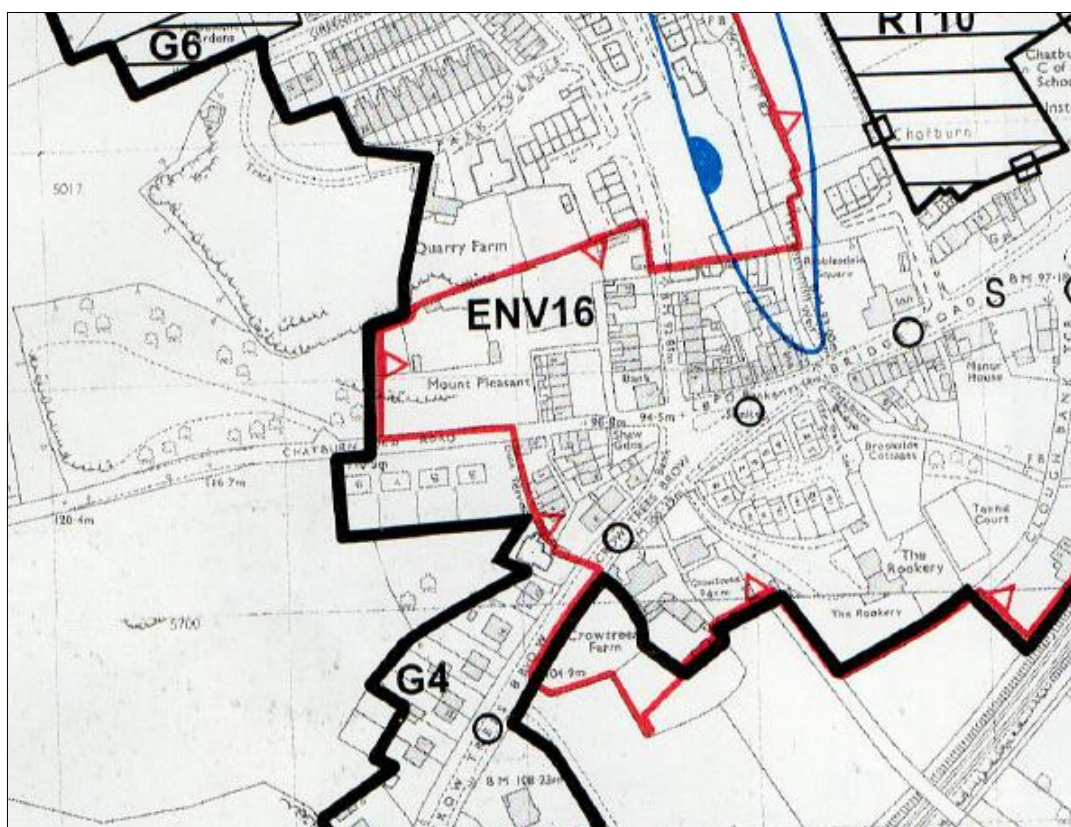
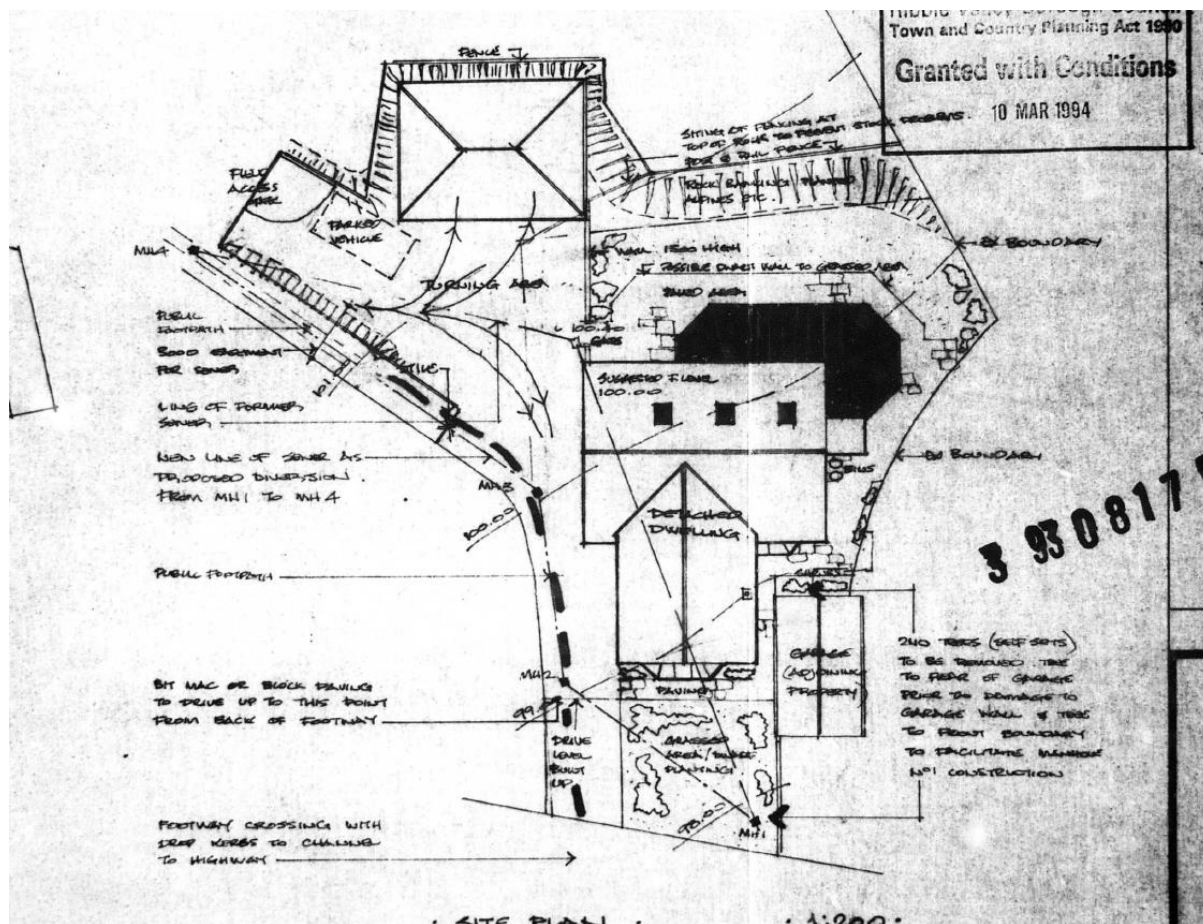


Figure 2 Extract from the Ribble Valley Districtwide Local Plan adopted 1998 proposals map.

- 6.4 The site plan see figure 3 shows that the amount of land around the property that was approved as curtilage was tightly restricted given the size of the property. It also included an area for the turning of vehicles. The reason for the condition states that the Council wanted to retain control over extensions but does not explain why this was necessary. Nor does the

reason explain why permitted development rights for outbuildings under Class E were removed. The concern appears to have been that the site was regarded as “restricted in size”. The Committee Report to the application does not shed any light on this either. See Appendix 2. Committee report 3/93/0817P. The garden area/curtilage of the property is now far more extensive than it was, so the concern about the restricted size of the curtilage is no



longer relevant. The condition is no longer necessary.

Figure 3 Approved site plan 3/93/0817.

- 6.5 Planning permission has recently been granted for a single storey extension at the property. In assessing the application, the Planning Officer noted in relation to the proximity of Chatburn Conservation Area “Given the development is located to the rear of the application dwelling, and behind a series of other built form, it would not be visible from within, or near to, the Conservation Area. As such, no adverse impact is expected resultant in this respect”. There is limited scope for additions to the property under permitted development rights at the sides of the building. The public footpath and driveway would make extensions on the south-west side of the building impractical. It is likely that any development under permitted development rights would be at the rear of the building or within the large garden to the rear, which is well screened from the Conservation area, as described above. The reinstatement

of permitted development rights would not have an adverse impact on the setting of the Conservation Area.

- 6.6 Permitted development rights are designed to allow householders to carry out development without requiring planning permission. The stipulations that have to be met are designed to preserve the amenities of neighbouring properties. In addition to this the site already has boundary fencing to the neighbouring properties and a high boundary hedge to the public footpath. The properties surrounding the garden have large gardens. It is unlikely that the reinstatement of permitted development rights would have an adverse impact on the neighbouring properties.
- 6.7 The removal of condition 7 complies with the requirements of Key Statement EN5 and Policies DMG1, DMH5 and DME4. Retaining the condition is no longer relevant to the development granted under planning permission 3/1993/0817.
- 6.8 The NPPF makes it clear that permitted development rights should only be restricted where there is clear justification to do so. Given the changes in the circumstances at the dwelling through the provision of the additional garden area, there is no longer a justification to restrict permitted development rights. The retention of the condition no longer passes the 6 tests. It is no longer necessary because the curtilage of the property is no longer restricted in size. It is no longer relevant to planning in that the reintroduction of permitted development rights is unlikely to cause harm to the setting of the conservation area, or the amenities of nearby residential properties or the visual qualities of the area, as the garden is well screened. It is not reasonable to withhold permitted development rights from the property.

7.0 SUMMARY AND CONCLUSION

- 7.1 As described, the removal of condition 7 from planning permission 3/93/0817 to reinstate permitted development rights is justified because the property now has an extensive garden area. There are no planning reasons to require the restrictions to permitted development to be retained so the condition is no longer necessary or reasonable

Appendices

Appendix 1 Decision Notice 3/99/0817P

Appendix 2. Committee report 3/93/0817P.

Appendix 1 Decision Notice 3/99/0817P

RIBBLE VALLEY BOROUGH COUNCIL
 Department of Development
 Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA
 Telephone: 0200 251111 Fax: 0200 26399

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/93/0817/P
DECISION DATE: 10 MARCH 1994
DATE RECEIVED: 16 DECEMBER 1993

APPLICANT: C HINDLE
 C/O AGENT

AGENT: JOHN ELLIS ASSOCIATES BUILDING
 SURVEYORS
 52 FAIRFIELD DRIVE
 CLITHEROE, LANCASHIRE, BB7 2PE

DEVELOPMENT PROPOSED: ERECTION OF A DETACHED DWELLING-HOUSE AND DOUBLE GARAGE, FORMATION OF VEHICULAR TURNING AREA AND LANDSCAPING DETAILS

AT: LAND OFF CROWTREES BROW, CHATBURN, CLITHEROE

Ribble Valley Borough Council hereby give notice that permission has been granted for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of five years beginning with the date of this permission.
2. The approval relates to the amended plan received on 11 February 1994.
3. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with one of the examples indicated on the attached plan and a vehicular turning space shall be laid out and be available for use before the development is brought into use.
4. That part of the access extending from the kerb line/edge of carriageway for a minimum distance of 5m into the site shall be appropriately paved in permanent construction to the satisfaction of the local planning authority before the access is used for vehicular purposes.
5. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway and visibility splay fences or walls to the satisfaction of the local planning authority shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centreline of the access. The gate shall open away from the highway. Should the access remain ungated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway.
6. The 2m width of Public Footpath No 13 running along the driveway should be maintained and kept clear of any obstructions whatsoever at all times.
7. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking or re-enacting that order) any future extensions, external alterations to

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**RIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED**

APPLICATION NO.3/93/0817/P

DECISION DATE: 10 MARCH 1994

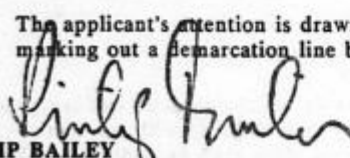
the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to E shall not be carried out without the formal consent of the local planning authority.

The reason(s) for the condition(s) are:

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2.. For the avoidance of doubt.
3. Vehicles reversing to and from the highway are a hazard to other road users.
4. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.
- 5 To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.
6. In the interests of road safety.
7. In view of the restricted size of the site the local planning authority wish to retain effective control over any extensions any future occupier may propose

Note(s)

1. For rights of appeal in respect of any condition(s) or reason(s) attached to the permission see the attached note.
2. Under the Highways Act 1980, Section 184, the county council as highway authority may specify works to be done for the construction, improvement or alteration of a vehicular crossing across the grass verge or footway of a county road where this may be necessary as the result of carrying out development. The county surveyor will provide a specification and quotation of the cost of these works if such a crossing is required and the developer should contact the county surveyor by letter, quoting the planning application number. It should be noted that only the highway authority or a contractor approved by the highway authority can carry out these works.
3. The applicant's attention is drawn to Condition 6 and is requested to investigate the possibility of marking out a demarcation line between the footpath and the site.


**PHILIP BAILEY
DIRECTOR OF DEVELOPMENT**

Appendix 2. Committee report 3/93/0817P.

**DRAFT RECOMMENDATION FOR PLANNING AND DEVELOPMENT
COMMITTEE**

APPROVAL

REF: AK/MN

DATE: 10 MARCH 1994

CHECKED BY:

APPLICATION NO: 3/93/0817/P

PROPOSED ERECTION OF A DETACHED DWELLING-HOUSE AND DOUBLE GARAGE, FORMATION OF VEHICULAR TURNING AREA AND LANDSCAPING DETAILS AT LAND OFF CROWTREES BROW, CHATBURN, CLITHEROE FOR C HINDLE

CHATBURN PARISH
COUNCIL:

The parish council do not object to the construction of a house on this infill site but wish to express serious reservations regarding this application due to its size and encroachment on to agricultural land which was the subject of an appeal decision in September 1991.

1. This application is not in conformity with the criteria laid down relating to infill sites due to the proposed building of a double garage with a large turning area which extends the site beyond the boundary of what was originally classified as infill and passed under application 3/92/0042 in April 1992.

2. Footpath No 1 which joins Footpath No 14 to West Bradford will, under this application, form part of the access drive. In the interest of footpath usage the parish council are of the opinion that the diverted footpath should be separated and fenced from the access in the interests of safety to the public.

3. It would appear from the plan submitted that a detached house of this size is over-intensive and would not be in keeping with surrounding properties.

4. The siting of the garage on agricultural land is in conflict with the appeal decision of September 1991. The report stated that "the appeal site and trees are seen as part of the green lung which makes a significant visual and physical contribution to the character of the settlement in separating the two wedges of residential development". The proposed double garage would result in an undesirable loss of outlook to the semi-detached dwellings on Crowtrees Brow overlooking the site. This last point was also covered in the Inspector's report under Local Plan Policy 2.

COUNTY SURVEYOR: I have no objections to the principle of this development but am concerned that vehicles parked on the driveway would prevent the free passage of pedestrians along the public footpath. I am also concerned that the owners of the property would not want

ramblers wandering up their private driveway and would be tempted to deter use of the public footpath. A 2m width of public footpath must be preserved at all times and appropriate sign erected to advise ramblers of the route of the footpath. The imposition of various technical restrictive conditions are also recommended.

NORTH WEST WATER: No objections in principle to the development subject to the compliance with certain technical requirements.

NATIONAL RIVERS AUTHORITY: No objections in principle to the development subject to the compliance with certain technical requirements.

NEARBY RESIDENTS: A total of four letters of objection have been received from residents in the immediate locality, the basis of their objections can be summarised as follows:

1. The creation of an additional driveway entrance to Crowtrees Brow is only going to add to traffic congestion and make it more difficult for drivers of vehicles who need to use the existing driveways in the immediate area.
2. The proposal does not conform with the original outline consent granted in that it encroaches on to agricultural land to the rear which has been successfully defended on appeal.
3. The proposed double garage is sited beyond the original approved boundary and furthermore would block light to the rear of certain properties fronting Crowtrees Brow.
4. Concern that certain rights of access are maintained in order to facilitate maintenance of adjoining property.

This proposal seeks detailed consent for the construction of a sizeable detached house on an infill plot of land fronting Crowtrees Brow in Chatburn. Members may well recollect that planning consent was originally granted in outline form in 1992 for the construction of a dwelling on this plot of land. This latest application is fully detailed and seeks consent for the construction of a traditional two storey dwelling on the site.

The dwelling itself is proposed to be constructed from natural stone under a blue slate roof adopting a traditional architectural style. Whilst the property is sizeable, nonetheless it takes full account of the potential effects on neighbouring property. The only area for concern is that the residential curtilage would need to be extended marginally from that which was granted in the original outline application. However, in view of the concerns expressed by the parish council and nearby residents the scheme has been amended so as to reposition the garage further away from the rear of properties fronting Crowtrees Brow to a more traditional siting immediately to the rear of the new house. In so doing, this improves the outlook to the properties on Crowtrees Brow and also reduces the amount of encroachment on to the agricultural land to the rear. The county surveyor has suggested that he is prepared to accept the re-routing of the footpath along the driveway on the proviso that specific conditions are imposed to ensure that it is kept free of obstruction at all times and therefore I would suggest that the scheme in its revised form now represents an acceptable form of development which should be given favourable consideration.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

1. This approval relates to the amended plan received on 11 February 1994.

2. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with one of the examples indicated on the attached plan and a vehicular turning space shall be laid out and be available for use before the development is brought into use.
3. That part of the access extending from the kerb line/edge of carriageway for a minimum distance of 5m into the site shall be appropriately paved in permanent construction to the satisfaction of the local planning authority before the access is used for vehicular purposes.
4. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway and visibility splay fences or walls to the satisfaction of the local planning authority shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centreline of the access. The gate shall open away from the highway. Should the access remain ungated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway.
5. The 2m width of Public Footpath No 13 running along the driveway should be maintained and kept clear of any obstructions whatsoever at all times.
6. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking or re-enacting that order) any future extensions, external alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to E shall not be carried out without the formal consent of the local planning authority.

REASON(S):

1. For the avoidance of doubt.
2. Vehicles reversing to and from the highway are a hazard to other road users.
3. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.
4. To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.
5. In the interests of road safety.
6. In view of the restricted size of the site the local planning authority wish to retain effective control over any extensions any future occupier may propose.

NOTE(S):

1. Under the Highways Act 1980, Section 184, the county council as highway authority may specify works to be done for the construction, improvement or alteration of a vehicular crossing across the grass verge or footway of a county road where this may be necessary as the result of carrying out development. The county surveyor will provide a specification and quotation of the cost of these works if such a crossing is required and the developer should contact the county surveyor by letter, quoting the planning application number. It should be noted that only the highway authority or a contractor approved by the highway authority can carry out these works.