|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | |
| **Signed:** | **Officer:** | **KH** | | | **Date:** | | | **28/08/24** | | **Manager:** | | **LH** | **Date:** | **30/8/24** |
|  | | | | | | | | | | | | | | |
| **Application Ref:** | | | | 2024/0509 | | | | | | |  | | | |
| **Date Inspected:** | | | | n/a | | | **Site Notice:** | | n/a | |
| **Officer:** | | | | KH | | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | | **APPROVAL** | | | |
|  | | | | | | | | | | | | | | |
| **Development Description:** | | | | | | Proposed change of use of land for the siting of four holiday lodges with associated parking, access and amenity area. Revision to scheme approved under 3/2020/0981 and 3/2022/1022-part retrospective (pursuant to variation of condition 12 (occupancy) of planning permission 3/2023/0281). | | | | | | | | |
| **Site Address/Location:** | | | | | | Land at Moran’s Farm, Pendleton Road, Wiswell BB7 9BZ | | | | | | | | |
|  | | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | | **Parish/Town Council** | | | | | | | | |
| The Parish Council wish to oppose proposals to extend the period of occupancy on the Moran’s Farm lodge development for the following reasons:  1 . In order to strengthen the initial planning application for development of lodges on the site the provision of tourist accommodation was cited as a positive factor in the proposals. The growth of tourism and facilities to attract tourism aligned well with the aims of the council's strategic economic plan. On this basis the Parish Council was supportive of the development in principle. Increasing the period of occupancy beyond the initial three-month period opens the door to a more permanent residency which might not be aligned to tourism. We do not wish to set this as a precedent for other potential developments in the village.  2. In addition, we know that the council have a duty to inspect tourist accommodation to assure themselves that properties are being used for this purpose. We would like to enquire as to whether the lodges remain under the administrative / letting control of a single agency which makes checks easier to manage for the authorities. If the lodges were sold on to a range of individuals, we would be interested to know how such checks can be coordinated.  We note the comparisons made to caravan sites but assume (perhaps wrongly) that the site owners have responsibility for keeping a central record of occupancy which can be easily checked for compliance by the relevant authorities.  The Parish Council's response to the initial application was also included, which suggested that certain restrictive occupancy/ownership conditions be attached to the development including single business ownership of the four lodges. | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | |
| **N/A** | | | | | |  | | | | | | | | |
| **CONSULTATIONS:** | | | | | | **Additional Representations.** | | | | | | | | |
| Neighbour Responses:  Objections received from two properties raising the following concerns:   * We consider the conditions attached are acceptable, the new ones proposed would loosen conditions and enable people to live on site long term, as it already happening at present; * Is the register of occupation as per condition 12 being observed now? * As I understand no approval was given for the awful urban cantilever gates that have been installed; * People are already living there and you’ve not enforced; * The ugly incongruent shipping container is still there; * The planning approval makes it clear that the site is to remain as one so that safety issue and compliance to planning approval; * There are now two sites and possibly three sites given there is 2 owners and possibly 3 once the 4th lodge is finished – this can be easily checked on the land registry; * This is slowly becoming a full on residential site and are openly admitting it; and * The 4 holiday lodges are now not in single ownership. This breaks the planning permission covenants that RV Council planning department set out. | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | |
| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | | |
| **Ribble Valley Core Strategy:**  Key Statement DS1: Development Strategy  Key Statement DS2: Sustainable Development  Key Statement EN2: Landscape  Key Statement EC3: Visitor Economy  Policy DMG1: General Considerations  Policy DMG2: Strategic Considerations  Policy DMG3: Transport & Mobility  Policy DME1: Protecting Trees & Woodland  Policy DME2: Landscape & Townscape Protection  Policy DME3: Site and Species Protection and Conservation  Policy DME5: Renewable Energy  Policy DME6: Water Management  Policy DMB1: Supporting Business Growth and the Local Economy  Policy DMB3: Recreation and Tourism Development  National Planning Policy Framework (NPPF)  National Planning Policy Guidance (NPPG) | | | | | | | | | | | | | | |
| **Relevant Planning History:**  3/2023/0281 – Proposed change of use of land for the siting of four holiday lodges with associated parking, access and amenity area. Revision to scheme approved under 3/2020/0981 and 3/2022/1022 part retrospective – Approved 01/12/23.  3/2022/1022 – Variation of condition 2 (Plans) from Planning Permission 3/2020/0981 to allow alterations to the design of units 3 and 4 – Approved 27/02/23.  3/2021/1105 – Discharge of conditions 4 (CMP), 9 (site Access) and 12 (Bat Roosting) of Planning Permission 3/2020/0981 – Approved 10/02/22.  3/2020/0981 – Proposed change of use of land for the siting of four holiday lodges with associated parking, access and amenity area – Approved 17/03/21. | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | |
| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application site is located within the open countryside on the north western side of Pendleton Road over 750m north east of the settlement boundary for Wiswell.  The site formerly comprised of farm buildings, farmyard and riding arena. The site is between two detached residential properties both with substantial rear gardens.  The previous structures have been removed and work has commenced on site with three of the lodges in place upon the site. There is also a site cabin and portaloo as well as various building equipment.  Vehicular access is directly from Pendleton Road. At present the existing access is used for construction vehicles with a revised access with appropriate visibility splays approved and to be implemented prior to occupation of any of the lodges. | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  This application seeks to vary condition 12 relating to occupancy of the 3/2023/0281 permission. The application site boundaries remain the same as the original permission issued in 2021.  Condition 12 currently states:  Each lodge/ unit of accommodation hereby approved shall not be let to or occupied by any one person or group of persons for a combined period exceeding 3 months in any one calendar year and in any event shall not be used as a unit of permanent accommodation or any sole place of residence.  The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of the individual lodges on the site, and of their main home addresses, and shall make this information available, on request, to the Local Planning Authority.  No more than four holiday lodges shall be stationed with the site boundary at any one time with the site area defined in the red edge of the location plan ADM/20/34/05.    Reason: In order to ensure that no permanent residential occupation of the site is undertaken in a location where new residential development would be unacceptable in principle and to define the scope of the permission hereby approved.  This application seeks to vary this to:  Each lodge hereby approved shall not be used as a unit of permanent accommodation and shall be solely used for holiday accommodation and not be used at any time as sole or principal residence by any occupant unless permission has been granted.  The owner shall maintain a register for all guests of each unit hereby approved at all times and it shall be made available for inspection by the Local Planning Authority on reasonable request. For the avoidance of doubt the register shall contain:  Name and address of the owners permanent residence.  Name and address of the main guest who made the booking together with dates of occupation.  For the avoidance of doubt permanent residence is where the owner/guest pay Council tax and/or registered to vote and keep the majority of their possessions.    A statement has been submitted outlining the case for this variation including reference to other decisions and appeals. | | | | | | | | | | | | | | |
| **Principle of Development:**  The principle of four holiday lodges on this site was established under planning permission 3/2020/0981 approved in March 2021.  Whilst considering the submitted information, including appeal decisions and planning decisions issued elsewhere by RVBC, the primary consideration is the reason for the condition being attached to this permission. After all, each application is considered on its own merits.  In this case the site is small – 4 units. It is also in two separate ownerships with the fourth unit yet to be constructed and occupied and which is, it is understood, currently being offered for sale. Potentially resulting in three owners of four units. The site has not yet been completed and therefore some of the conditions attached including this one have not yet come into force.  There are concerns which have been expressed by the Parish Council and neighbours regarding the use of the site, particularly in terms of future occupancy, which has been investigated by the Council’s Enforcement Team.  The main amendment proposed to condition 12 is to remove the maximum length of time that any one person or group of persons could stay at the lodges. Currently the condition stipulates a period not exceeding 3 months. Instead it is proposed to allow for a non-specific limit on the period of occupancy.  It is acknowledged that the new wording would still limit the use to holiday accommodation only and require the owner to keep a register of guests. However in this case the site is small – consisting of only 4 units which are in separate ownerships, therefore compliance with the suggested condition would be more difficult to enforce as the site has no common booking system, reception or mechanism to control the length of stay.  The applicant had referenced other decisions of the Council as well as Appeal decisions from other areas of the country.  With regard to the decision issued by RVBC this relates to a caravan site which accommodates over 200 holiday units and includes a reception building and club house as well as a children’s play area.  In terms of the appeal decisions referenced – Acton Caravan Site decision is dated 2020 and relates to a site approved for 10 holiday units and appeal against compliance with a highways condition. Condition 3 is a combination of conditions 3 and 4 attached by the LPA by the Inspectorate and states:  The lodge, camping pods, cabins and tree house subject to this permission shall be occupied for holiday purposes only, and no unit shall be occupied as a person’s sole or main place of residence.  The operators of the site shall maintain an up-to-date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times.  The Leeds Children’s Holiday decision is dated 2018 and relates to 25 static caravan pitches with condition 10 stating:    The caravans shall not be occupied other than as holiday accommodation. They shall not be used at any time as sole or principal residences by any occupant.  The Stretton Lodge decision is dated 2020 and relates to a touring caravan site with condition 8 stating:  The development hereby permitted shall not be used other than for the provision of holiday accommodation. No caravans shall be occupied as permanent dwellings.  Taking the above decisions into account it is not considered that these decisions are directly relevant to this small-scale site consisting of 4 units within different ownerships and limited facilities on the site, and where concerns about how the caravans are currently being resided in are being repeatedly raised by third parties.  The current condition seeks to ensure short-stay visits only which will help to secure the economic benefits which justified allowing this type of development in the first place, and helps to provide clarity for everyone on the permitted use of the site. It is not therefore considered appropriate to approve the suggested amendment in this case. | | | | | | | | | | | | | | |
| **Residential Amenity:**  The site is between two residential properties. Lynnwood to the northeast and Highfield to the southwest. Both are large, detached properties with rear gardens the same length as the application site.  There are no changes proposed to the fenestration of the lodges in this application.  The main reason for amending the condition is to remove the maximum length of time that any one person or group of persons could stay at the lodges. Currently the condition stipulates a period not exceeding 3 months. There would be limited, if any, additional impact on residential impact as a result of the proposed change. | | | | | | | | | | | | | | |
| **Visual Amenity/Landscape:**  The site lies in open countryside with no changes proposed to the built form already approved.  Therefore, this proposal would have no additional impact on visual impact in this respect than the approved scheme. | | | | | | | | | | | | | | |
| **Highways:**  No highway impacts and the same conditions relating to these issues would be attached in any new permission granted. | | | | | | | | | | | | | | |
| **Landscape/Ecology:**  No landscaping or ecology impacts and the same conditions relating to these issues would be attached in any new permission granted. | | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal. | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | |  | | | | | | | | | | | |
| That planning consent be refused on the following basis:  The proposed variation to condition 12 (occupancy) would allow for long periods of occupancy by the owners or visitors to the site, which undermines the reasons for allowing the development including the economic benefits associated with short-stay holiday uses, and would give the site a more residential character contrary to the Ribble Valley Core Strategy which does not support residential uses in this open countryside location. | | | | | | | | | | | | | | |