

# RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

## REFUSAL

DATE: 14 MARCH 2024

REF: SK

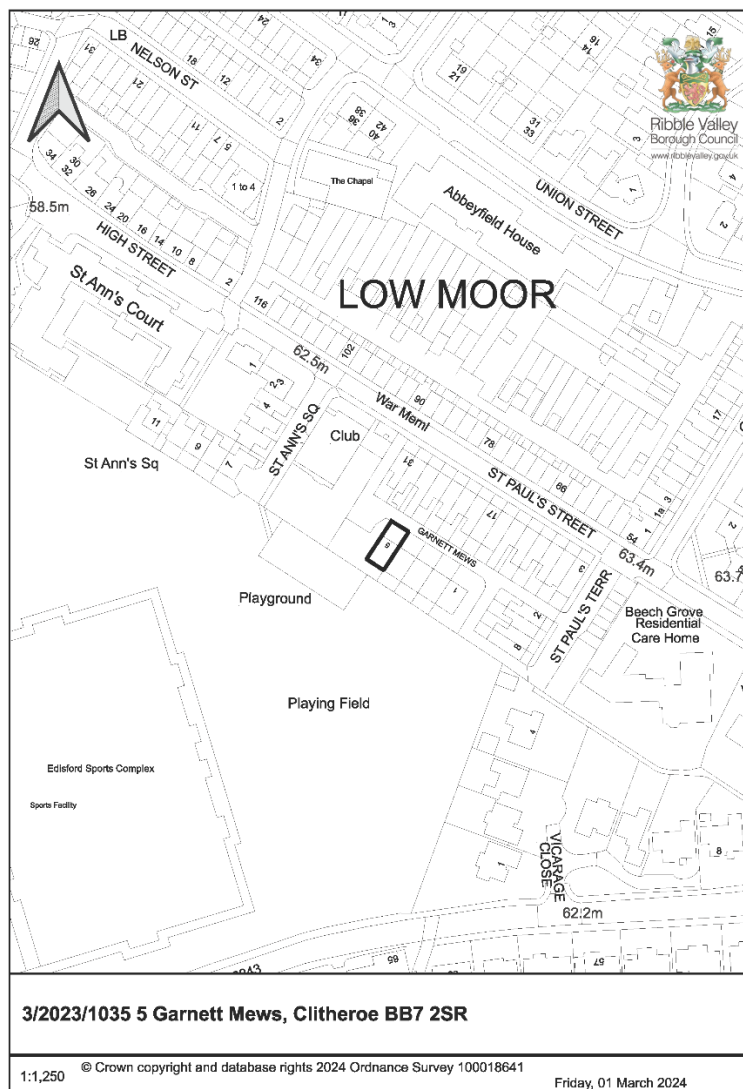
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APPLICATION REF: 3/2022/1035

GRID REF: SD 373056 441637

## DEVELOPMENT DESCRIPTION:

REGULARISATION OF CHANGE OF USE FROM DWELLING (C3) TO HOLIDAY LET (C5) AT  
5 GARNETT MEWS, CLITHEROE BB7 2SR



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

Clitheroe Town Council object to the proposal offering the following observations:

- 5 Garnett Mews is one of a row of five properties that were approved (as Private Dwellings) under revised planning application 3/2017/0920 (development completed 26/09/2022).
- Less than 18 months after completion of the development, application 3/2023/1035 seeks to change its use from Private Dwelling to Holiday Let.
- After receiving numerous complaints from residents of Saint Paul's Street, this was investigated and the Council was informed that the property was operating as a holiday let without proper consent (06/07/2023).
- It is believed this application is retrospective as residents have already witnessed a steady stream of people utilising No.5 as a holiday let. You can also already view and book the property via booking.com
- Part of the complaints from residents highlighted that there was insufficient parking within the development to cater for the multiple users (up to 4 vehicles in some instances) of the holiday let at any one time.
- The original planning application states there is 1 parking space provided at the front of each property with an additional overspill spot within a garage away from the property at the far end of Saint Pauls street. Further visitor parking (2 spaces for all 5 properties in the row, usable subject to the security bollards being lowered) is also available, though currently wholly occupied by an unusable vehicle on a permanent basis. All of these overspill spots are routinely blocked by persons living within the other 4 properties on the row parking perpendicular to the garage entrances rather than utilising the garages themselves.
- As a result, users of the holiday home are parking on Saint Paul's street, which then limits the number of spaces available for residents, who have already seen a significant reduction in parking due to the development being approved in the first instance.
- As the users of the holiday let are short term occupants there is no familiar point of contact to escalate the parking issue with.
- It is felt the approval of this planning application sets a dangerous precedent, and what prevents the other 4 properties in the row from also having this type of application approved or indeed any other new build property in the borough?
- At the most recent Health & Housing Committee councillors were also informed of the Lancashire County Council Forced Migration Strategy (Agenda Item 12) which seeks (as a minimum) to utilise 3 properties within the Ribble Valley to allow resettled persons to move into the Borough.
- Agenda item 21 within the same Committee meeting may also impact the amount of properties available within the private rental sector depending on outcome.
- Given the already serious issue of a lack of housing for sale or to rent within the borough, it is believed the original planning application in 2017 was approved to benefit an increasing requirement for residential property. Approving application 3/2023/1035 is at odds with that original decision and when considering the implications of Points 10 and 11 combined with this application, available housing is further eroded for people within the Ribble Valley.

## **LOCAL HIGHWAYS AUTHORITY (LHA):**

Lancashire County Council Highways does not raise an objection to the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site subject to a condition.

Site Access/ Internal Layout - The proposal will continue to be accessed off Garnett Mews which is an unclassified road subject to a 20mph speed limit. The LHA have reviewed APB drawing number DWG01 titled "Planning Consent" and are aware that the access to the proposal, which was approved following application reference 3/2017/0920, will remain unaltered following the proposal. The access will serve one carparking space for the proposed 3 bed holiday cottage.

While the proposal does not comply with the LHAs parking guidance as defined within the Joint Lancashire Structure Plan, which requires the site to provide 2 car parking spaces, the LHA will accept the shortfall. This is because the LHA accepted the shortfall in parking at the existing dwelling when application reference 3/2017/0920 was approved. Therefore, it would be unreasonable to request an additional car parking space is provided or object to the application on this basis.

To conclude the LHA have no objection with the proposals impact on the local highway network unlikely to be severe given the existing situation. The LHA have further requested, that should consent be granted, the following condition be imposed:

*The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with APB drawing number DWG01. Thereafter the onsite parking provision shall be so maintained in perpetuity.*

## **ADDITIONAL REPRESENTATIONS:**

At the time of the writing of this report no representations have been received in respect of the application.

### **1. Introduction**

- 1.1 The application is being brought to Committee following a call-in request from Councillor Ryan Corney, with impacts on parking and loss of housing stated as the planning reasons for the call-in.

### **2. Site Description and Surrounding Area**

- 2.1 The application relates to a three-bedroomed two-storey end of terrace property located on Garnett Mews, Clitheroe. The site lies within the defined settlement limits of Clitheroe, with the property forming part of one of five terraced properties located to the rear of terraced residential properties fronting St Pauls Street, Low Moor. The property is bounded to the north by the dwellings that front St Pauls Street, to the south by the Edisford Road/Low Moor playing fields, and to the west by Low Moor Social Club.

### **3. Proposed Development for which consent is sought**

- 3.1 The application seeks retrospective consent for the change of use of the dwelling to that of a 'holiday-let'. The submitted details propose no external alterations to the building nor

alterations to the existing site configuration, with the supporting information stating that the holiday-let use generates part-time employment for one individual.

4. **Relevant Planning History**

3/2022/0930: Discharge of Condition 9 (Car Parking) and 12 (Bat Box) of planning application 3/2017/0920. (Approved)

3/2022/0682: Variation of conditions 9 (Parking) and 10 (Bins) from planning permission 3/2017/0920 changing a shared bin store building to storage of bins at each dwelling and to redesign the turning area. Following refusal of 3/2022/0105. (Refused)

3/2022/0105: Variation of conditions 9 (Parking) and 10 (Bins) from planning permission 3/2017/0920 changing a shared bin store building to storage of bins at each dwelling and to reduce the size of the turning area. (Refused)

3/2018/0183: Discharge of condition 1 (time constraint), 2 (approved plans), 3 (materials), 4 (boundary treatments), 5 (ground levels and floor levels), 6 (obscure glazing), 7 (landscaping), 8 (dedicated garaging), 9 (parking scheme), 10 (refuse storage area), 11 (garage doors), 12 (bird and bat boxes), 13 (construction method statement), 14 (land contamination report), 15 (drainage), 16 (surface water drainage), 17 (restriction of use of garages) and 18 (removal of permitted development rights) from planning permission 3/2017/0920. (Approved)

3/2017/0920: Revised application for five town-houses following outline approval 3/2015/0312 including garage block on St Pauls Terrace.

5. **Relevant Policies**

**Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy  
Key Statement DS2 – Sustainable Development  
Key Statement DMI2 – Transport Considerations  
Key Statement EC1 – Business and Employment Development  
Key Statement EC3 – Visitor Economy

Policy DMB1 – Supporting Business Growth  
Policy DMB3 – Recreation and Tourism Development  
Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport & Mobility

National Planning Policy Framework (NPPF)

6. **Assessment of Proposed Development**

6.1 **Principle of Development:**

6.1.1 Given the proposal seeks to create a new unit of holiday accommodation, Key Statement EC3 and Policies DMB1 and DMB3 are primarily, but not solely,

engaged in respect of assessing the acceptability of the principle of the development and its alignment or potential conflict with the aims and objectives of the Ribble Valley Core Strategy.

- 6.1.2 Key Statement EC3 lends general support for the creation of additional holiday accommodation stating that *'Proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged, including the creation of new accommodation and tourism facilities through the conversion of existing buildings or associated with existing attractions. Significant new attractions will be supported, in circumstances where they would deliver overall improvements to the environment and benefits to local communities and employment opportunities'*.

- 6.1.3 In respect of 'Supporting Business Growth and the Local Economy' Policy DMB1 states the following:

*Proposals that are intended to support business growth and the local economy will be supported in principle. development proposals will be determined in accord with the core strategy and detailed policies of the LDF as appropriate. the borough council may request the submission of supporting information for farm diversification where appropriate. The expansion of existing firms within settlements will be permitted on land within or adjacent to their existing sites, provided no significant environmental problems are caused and the extension conforms to the other plan policies of the LDF.*

*The council in accord with its vision and key statements wishes to create the right environment for business growth whilst ensuring development is sustainable.*

- 6.1.4 In respect of the creation of new holiday accommodation within the borough, Policy DMB3 is also generally supportive of proposals that seek to enhance the range of tourism and visitor facilities within the borough stating that:

*Planning permission will be granted for development proposals that extend the range of tourism and visitor facilities in the borough. This is subject to the following criteria being met:*

- 1. The proposal must not conflict with other policies of this plan;*
- 2. The proposal must be physically well related to an existing main settlement or village or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available;*
- 3. The development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design;*
- 4. The proposals should be well related to the existing highway network. It should not generate additional traffic movements of a scale and type likely to cause undue problems or disturbance. where possible the proposals should be well related to the public transport network;*
- 5. The site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas; and*
- 6. The proposal must take into account any nature conservation impacts using suitable survey information and where possible seek to incorporate any*

*important existing associations within the development. failing this then adequate mitigation will be sought.*

- 6.1.5 In respect of the above, both policies DMB1 and DMB3 and Key Statement EC3 are generally supportive of the creation of new holiday accommodation. However, the first criterion of Policy DMB3 requires that proposals should not result in conflict with the inherent criterion of the policy itself, but additionally should not result in any conflict with other policies within the development plan.
- 6.1.6 Policy DMB1 contains a similar inherent policy criterion requiring that proposals should not result in conflict with Policy DMG1 and that such proposals will also be assessed against their compatibility with other policies within the adopted development plan.
- 6.1.7 As such and taking account of the above matters, notwithstanding other development management considerations, it is considered that the principle of the development would align broadly with the aims and objectives of both Key Statement EC3 and Policies DMB1 and DMB3 of the Ribble Valley Core Strategy.
- 6.1.8 However, members will note that if the development results in identified conflict with the adopted development plan, either through direct conflict with the inherent criterion of Policies DMB1 or DMB3 or by virtue of conflict with other policies within the development plan, the general support normally afforded by both Policies DMB1 and DMB3 is considered to be fully disengaged and could not be engaged in support of the development.

## 6.2 Impact upon Residential Amenity and Character of the Area

- 6.2.1 Given the proposal seeks consent for a change of use from that of that of a C3 Dwellinghouse to that of commercial tourism accommodation, consideration must be given in respect of the compatibility of the proposed use with that of the character of the immediate area and as to whether the introduction of such a use will result in any undue impacts upon the character of the area or nearby residential amenities.
- 6.2.2 The submitted details propose that the 'holiday let' will be three -bedroomed, with the marketing information for the property stating that it can accommodate up to 7 persons, with 'bedroom 1' accommodating one large double bed, bedroom two accommodating one large double bed and bedroom 3 accommodating one standard double bed and a single bed.
- 6.2.3 In respect of matters of 'occupancy levels', a recently dismissed appeal received by the authority (APP/T2350/W/23/3325820), for the change of use from a dwelling to short-term let holiday accommodation, concluded that:

*'the numbers of people occupying the property would be over and above that expected from other dwellings in this location. In addition, the use of the property as a holiday let would result in a more disruptive pattern of occupation than if it was used as a private domestic dwelling. This would not be satisfactorily controlled by condition and therefore would harm the living conditions of neighbouring properties'.*

- 6.2.4 With the Inspector further concluding, when considered whether occupancy levels could be controlled via the imposition of condition(s), that *'it would be very difficult to enforce such a condition, or prevent other people that are not resident, visiting the building'*. As such, the authority does not consider that there are any mechanisms that could reasonably be put in place to limit the occupation of the premises to 7 occupants via the imposition of planning conditions.
- 6.2.5 In respect of the above, when taking account of the scope and extent of accommodation proposed, which could accommodate up to 7 guests/occupants at any one time, it is considered that the intensity of the use and associated level of occupancy, particularly when the premises would be fully booked, would give rise to a use that fails to be *'sympathetic to existing and proposed land uses in terms of its size, intensity and nature'* as required by Policy DMG1.
- 6.2.6 Further to the above, the proposed use would possess and generate an unsympathetic level of associated activities, a level of occupancy atypical for the area and result in the introduction of a disruptive pattern of occupation which would be considered anomalous compared that of the nearby and adjacent C3 residential dwellings.
- 6.2.7 In this respect it cannot be considered, particularly when taking account of the character of the back street terrace, in that it is relatively private and sedate in character and typified by normal activities associated with the residential occupancy of private domestic dwellings, that the proposed use would be 'sympathetic' to the inherent character of the immediate area.
- 6.2.8 Taking account of the above, the proposal would be of significant detriment to the residential character of the immediate area, particularly insofar that such associated activities and occupancy levels would not be commensurate with and would significantly exceed the level of activities and occupation associated with the nearby dwellings when occupied on a normally family basis as categorised by use class C3.
- 6.2.9 As such and taking account of the above matters, it is considered that the proposed development, by virtue of its identified conflict with Policy DMG1, is also in direct conflict with Policies DMB1 and DMB3 insofar that the proposal fails to accord with 'the provisions of Policy DMG1' and is in 'conflict with other policies' within the development plan. As such the general 'in principle' support afforded to such proposals by virtue of Policies DMB1 and DMB3, in this instance, is considered fully disengaged.

### 6.3 Visual Amenity/External Appearance

- 6.3.1 The proposed development does not involve nor propose any external alterations to the application building or associated site configuration. As such, the proposal does not raise any significant direct conflicts with Policy DMG1 insofar that there will be no measurable significant harm to the visual amenities of the area resultant from the proposed development.

#### 6.4 Landscape and Ecology:

- 6.4.1 No implications resultant from the proposal nor any measurable conflict(s) with Key Statement EN4, nor Policies DME1, DME2 or DME3 of the Ribble Valley Core Strategy.

#### 6.5 Highway Safety and Accessibility:

- 6.5.1 The Local Highways Authority has raised no objection to the proposed development stating that *'while the proposal does not comply with the LHAs parking guidance as defined within the Joint Lancashire Structure Plan, which requires the site to provide 2 car parking spaces, the LHA will accept the shortfall. This is because the LHA accepted the shortfall in parking at the existing dwelling when application reference 3/2017/0920 was approved. Therefore, it would be unreasonable to request an additional car parking space is provided or object to the application on this basis'*. Further adding that *'the proposals impact on the local highway network [is] unlikely to be severe given the existing situation'*.

- 6.5.2 However, it is considered that the highways assessment fails to take account of the level of occupancy and number of occupiers that the 'holiday let' can currently accommodate. With the marketing information for the property stating that it can accommodate up to 7 persons. In addition, as stated previously, it is not considered that occupancy levels, or other people visiting the building, could be controlled via the imposition of condition(s).

- 6.5.3 The erection of the dwelling to which the application relates was granted consent pursuant to planning permission 3/2017/0920 (revised application for five townhouses following outline approval 3/2015/0312 including garage block on St Pauls Terrace). The granting of this consent included the imposition of a condition (condition 8) which reads as follows:

*'No development shall commence until details of the dedicated garaging and to which dwelling they will be assigned has been submitted to and agreed in writing by the Local Planning Authority.*

*The agreed garaging (including allocation to an individual dwelling) shall be implemented and made available for use prior to first occupation of any of the dwellings hereby approved and retained as such in perpetuity thereafter unless otherwise agreed in writing by the Local Planning Authority.*

*For the avoidance of doubt, the garaging for each individual dwelling shall be kept available for the parking of vehicles ancillary to the enjoyment of the household to which they are allocated and shall not be separated from their respective dwelling by way of sale or sub-letting'.*

- 6.5.4 Members will note that this condition was partially discharged pursuant to application 3/2018/0183 insofar that each dwelling was to be afforded one dedicated parking space 'on-plot' with each dwelling also being allocated one garage as additional parking provision. With the decision notice, in relation to condition 8 reading as follows:



*'Condition 08 is partially discharged insofar that the submitted details are agreed by the Local Planning Authority. The condition requires that the agreed garaging (including allocation to an individual dwelling) shall be implemented and made available for use prior to first occupation of any of the dwellings hereby approved and retained as such in perpetuity thereafter unless otherwise agreed in writing by the Local Planning Authority.'*

*The condition further requires that the garaging for each individual dwelling shall be kept available for the parking of vehicles ancillary to the enjoyment of the household to which they are allocated and shall not be separated from their respective dwelling by way of sale or sub-letting. This condition cannot be fully discharged in that it remains in place in perpetuity for the lifetime of the development'.*

- 6.5.5 At the time of granting consent (3/2017/0920) the dwelling to which the current application relates was shown as being a three-bedroomed dwelling. With each dwelling being afforded parking provision for two vehicles, with the provision(s) consisting with one parking area being accommodated 'on-plot', with the remaining provision being provided by way of dedicated garaging provision.
- 6.5.6 In this respect the parking provision, at the time of granting consent, was considered to be commensurate with and adequate to serve three-bedroomed residential dwellings and the normal levels of occupancy that would be associated with a dwelling that is inhabited by a single family or the level of occupancy expected of a 3-bedroomed private domestic dwelling.
- 6.5.7 The submitted details propose that the 'holiday-let' will only benefit from dedicated parking provision for one vehicle, resulting in an overall reduction in the quantum of parking provision historically consented. This in concert with the increased occupancy level(s) of the property as a result of the change of use (up to 7 occupants), means it is considered that the proposed development is likely to result in a requirement for vehicular parking that is over and above that of the provision currently proposed and to a level that is likely to cause undue impacts in respect of vehicular parking demands that will not be met on-plot.
- 6.5.8 In this respect the proposal is considered to be in direct conflict with criteria 4 and 5 of Policy DMB3 which requires that such developments '*should not generate additional traffic movements of a scale and type likely to cause undue problems or disturbance*' and that the site '*should be large enough to accommodate the necessary car parking*' to serve the development proposed.
- 6.5.9 Given the above identified conflict with Policy DMB3 criterion(s) 4 and 5, further conflict with Policy DMG3 is also resultant in that the proposal fails to 'provide adequate car-parking' as required by the policy.
- 6.5.10 As such and taking account of the above, the proposed development is considered to be indirect conflict with Policies DMB3 and DMG3 of the Ribble Valley Core Strategy insofar that the development fails to provide adequate levels of parking provision to adequately accommodate the upper level of occupancy associated with the proposed use.

## 7. **Observations/Consideration of Matters Raised/Conclusion**

- 7.1 For the reasons outlined above, the proposed development is considered to be in direct conflict with the aims and objectives of Policies DMG1, DMB1 and DMB3 of the Ribble Valley Core Strategy insofar that the use fails to be sympathetic to existing adjacent residential land uses in terms of intensity and nature. It is further considered that the proposed use, by virtue of its level of occupancy, associated activities and divergent disruptive pattern of occupation, compared to that of neighbouring residential development, would be of significant detriment to the residential character of the immediate area and the residential amenities of existing nearby residential occupiers.
- 7.2 It is further considered that the proposed the proposed development would be indirect conflict with Policies DMB3 and DMG3 of the Ribble Valley Core Strategy insofar that the development fails to provide adequate levels of parking provision to adequately accommodate the occupancy levels and parking requirements associated with the proposed usage of the property.

RECOMMENDATION: That the application be REFUSED for the following reason(s):

1. The proposal is considered to be in direct conflict with the aims and objectives of Policies DMG1, DMB1 and DMB3 of the Ribble Valley Core Strategy insofar that the use fails to be sympathetic to existing adjacent residential land uses in terms of intensity and nature. It is further considered that the proposed use, by virtue of its level of occupancy, associated activities and divergent disruptive pattern of occupation, compared to that of neighbouring residential development, would be of significant detriment to the residential character of the immediate area and the residential amenities of existing nearby residential occupiers.
2. The proposed development is considered to be indirect conflict with Policies DMB3 and DMG3 of the Ribble Valley Core Strategy insofar that the development fails to provide adequate levels of parking provision to adequately accommodate the occupancy levels and parking requirements associated with the proposed usage of the property.

## BACKGROUND PAPERS

[https://webportal.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2023%21035](https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2023%21035)