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## Appeal Decision

Site visit made on 17 April 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

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**Appeal Ref: APP/T2350/W/25/3359254**

**Land at Morans Farm, Pendleton Road, Wiswell BB7 9BZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr David Sagar against the decision of Ribble Valley Borough Council.
- The application Ref is 3/2024/0509.
- The application sought planning permission for proposed change of use of land for the siting of four holiday lodges with associated parking, access and amenity areas. Revision to scheme approved under 3/2020/0981 and 3/2022/1022 part retrospective, without complying with a condition attached to planning permission Ref 3/2023/0281, dated 1<sup>st</sup> December 2023.
- The condition in dispute is No 12 which states that: 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.

- The reason given for the condition is: 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.

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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Council do not list a policy in the reason for refusal given on the decision notice. In my assessment of the evidence before me, the Council do cite Policies DS1, DS2 and DMG2 of the Ribble Valley Borough Council Core Strategy 2008 – 2028. The appellant has been presented with the opportunity to respond to the citation of these policies during their final comments. I have therefore assessed the proposal against these policies.

### Main Issue

3. The main issue is whether the condition is necessary, having regard to the location of the site.

## Reasons

4. The site is host to four holiday lodges, as granted under a previous planning permission. These lodges host their own individual bathrooms, cooking facilities and parking area and apart from their shared access point, are individual in nature and require limited interaction with the other lodges within the appeal site. Holiday lodges are typically associated with a high turnover of different groups of people, who would utilise these lodges for a transient period with limited movements from the site due to their use for relaxation and local tourism opportunities.
5. It is sought to remove the 3-month period restriction of Condition 12 with an indefinite period of occupancy. This would retain a restriction on the use of the lodges for holiday purposes only. Nevertheless, their indefinite period of use would allow for an occupant, whether it was indeed their only or holiday residence, to uptake a different form of behaviour and character to that of visitors on a short-term holiday lease. This behaviour and character would be more akin to that of a residential dwelling. This is due to the needs of an occupant to travel to and from the site for shopping, work, to undertake routine household tasks and would overall create a more personalised living arrangement, for example.
6. Policy DS1 of the Ribble Valley Borough Council Core Strategy 2008 – 2028 (CS) sets out that the majority of housing within the Ribble Valley shall be concentrated within Clitheroe, Longridge and Whalley. The appeal site is in an area of open countryside and significantly beyond the settlement boundary of Wiswell. As such, Policy DS1 notes that Wiswell is a Tier 2 Village settlement, which are the less sustainable of the 32 defined settlements. Development in these locations will be required to deliver regeneration benefits, amongst other things. Policy DS2 of the CS notes that there shall be a presumption in favour of sustainable development.
7. Policy DMG2 of the CS further notes that within Tier 2 Villages and outside the defined settlement areas, development must meet at least one of a list of considerations. These include that the development should be essential to the local economy, or is for small scale tourism, amongst other things.
8. I now return to the suggested wording of Condition 12. This suggestion notes that each lodge shall not be used as permanent accommodation and that a register shall be kept of all guests, including the name of the guest, their permanent address along with their dates of occupation. The dates of occupation as proposed in this suggested wording would have no expiration, therefore allowing for long periods of occupancy, such as that experienced by residential dwellings.
9. Whilst the condition would still include a restriction on the use of the lodges for holiday purposes only, the removal of a specific occupancy time restriction would transform the character of the site to that of a permanent residence for one sole occupier or group in an area where such uses are not supported by development plan policies.
10. Therefore, the holiday lodges would take the form of a more residential arrangement through long periods of occupancy, the form of behaviour and the change of character which would be experienced. This would create a more residential use in a location significantly beyond the settlement boundary of Wiswell, a Tier 2 Village. Tier 2 Villages are noted to be the less sustainable of the 32 defined settlements in Ribble Valley.

11. Several appeal decisions are cited by the appellant. These appeal decisions are all a significant distance from the appeal site and are not located within the Ribble Valley. These sites appear to be different to the development found at the appeal site. This is due to their size, the number of structures proposed and the overall provision of shared facilities such as amenity blocks, site receptions and management housing. In comparison, the holiday lodges which make up the appeal site host their own facilities for cooking, cleaning and are not managed by a site reception. As such, these examples are notably different to the development at the appeal site.
12. A decision made by the Council at Rimington Caravan Park is also cited by the appellant. This evidence only includes a decision notice and therefore, I cannot ascertain the reasoning behind this decision. However, the condition in this decision is similar to that proposed in this appeal. Nevertheless, the Council note that this site is a caravan site which accommodates over 200 units and is host to numerous shared amenities. As such, I therefore find that due to the provision of caravans and shared amenities, this example is characteristically different.
13. The appellant claims that there is no obvious economic evidence to conclude that the suggested amendment to Condition 12 would harm the economic benefits associated with the appeal site. Policy DMG2 notes that within Tier 2 Villages and outside of the defined settlement, development should be essential to the local economy, or for small scale tourism appropriate to a rural area, amongst other things. The suggested change to Condition 12 would create a development which would change its character to that similar of a residential use. Such a use in this location has not been demonstrated to be essential to the local economy.
14. It is suggested that the proposed change to Condition 12 would allow the site to be marketed in a manner which would allow greater flexibility to a wider array of clients, thus, providing a greater economic return. However, for the reasons set out above, this would allow for long standing tenancies for the occupants of the lodges, similarly to that of a typical dwelling.
15. To conclude, having considered all of the matters raised, I consider that Condition 12 in its current form is necessary to ensure that residential uses are not undertaken in a location where new residential development would be unacceptable. The proposal would be contrary to Policies DS1, DS2 and DMG2 of the CS and the CS when read as a whole. There are no material considerations which outweigh this conflict.

## **Conclusion**

16. For the reasons given above, I conclude that the appeal should be dismissed.

*J Smith*

INSPECTOR