



Appeal Decision

Site visit made on 29 July 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal Ref: APP/T2350/W/25/3364766

4 Dewhurst Row, Longsight Road, Langho BB6 8AD

- 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 & Mrs Brelsford against the decision of Ribble Valley Borough Council.
 - The application Ref is 3/2025/0053.
 - The application sought planning permission for Substitution of cottage type for unit one of the holiday cottages approved under 3/2020/1025 (variation of condition 2 of application 2020/0013 for four two-storey holiday cottages and formation of short length of access road) without complying with a condition attached to planning permission Ref 3/2022/0030, dated 22 February 2022.
 - The condition in dispute is No 11 which states that:
Each holiday unit hereby approved shall not be let to or occupied by the owner, any one person or groups of persons for a combined total period exceeding 28 days in any one calendar year and in any event shall not be used as a unit of permanent accommodation or any individual(s) sole place of residence.
The owner shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain the name and address of the owner and the main guest who made the booking together with dates of occupation.
 - The reason given for the condition is: The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism and contributes to the area's economy.
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Decision

1. The appeal is allowed and planning permission is granted for Substitution of cottage type for unit one of the holiday cottages approved under 3/2020/1025 (variation of condition 2 of application 2020/0013 for four two-storey holiday cottages and formation of short length of access road) at 4 Dewhurst Row, Longsight Road, Langho BB6 8AD in accordance with the application Ref 3/2025/0053 without compliance with condition number 11 previously imposed on planning permission Ref 3/2022/0030 dated 22 February 2022 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council do not cite policies in the reason for refusal given on the decision notice, or in the disputed condition of planning permission 3/2022/0030. However the officer report and the Appellant's statement direct me towards relevant policies of the Core Strategy 2008-2028, A Local Plan for Ribble Valley Adoption Version (the Core Strategy). I have assessed the appeal on this basis.

Background and Main Issue

3. Planning permission was granted for four two-storey holiday cottages and the formation of a short length of access road in 2020. The design details of two of the units including the appeal site (4 Dewhurst Row), were subsequently amended in 2021. The details for the appeal site were further amended in 2022. The permissions (3/2020/1025 and 3/2022/0030), restrict occupancy to holiday use only, with maximum letting time to one person/groups of persons for 28 days in any calendar year. The reason for imposing the condition was to define the scope of the permission and to ensure that the development promotes sustainable tourism and contributes to the area's economy. The appeal proposal seeks to extend the occupancy period to 90 days in any calendar year.
4. Therefore, the main issue is the effect of the proposed extended occupancy period on sustainable tourism, having regard to the policies of the development plan.

Reasons

5. Amongst other things, Policy DMG2 of the Core Strategy states that within certain villages and outside defined settlement areas, small scale tourism is supported where it is appropriate to a rural area. Policy DMB3 allows recreation and tourism development that is: well related to existing groups of buildings or settlements, well related to existing highway network without unduly harmful additional traffic generation, and where possible well related to the public transport network, amongst other criteria. Key Statement DM12 requires development to be located to minimise the need to travel, whilst Key Statement EC3 encourages proposals that contribute to and strengthen the visitor economy.
6. The occupancy condition seeks to ensure short stay visits only, which helps to secure the economic benefits that the Council states, justified allowing a dwelling outside of any settlement boundary. The effect of the appeal proposal would be that users of the holiday accommodation would have the option to stay for periods of up to 90 days.
7. If any occupant were to occupy the property for the maximum period, they would be more likely to establish some form of routine. For example, food shopping, a commute whilst searching for a permanent dwelling, and regular visits to nearby settlements or visitor facilities. However, if occupants were to stay for the current maximum period of up to 28 days, I have no evidence before me to demonstrate that similar routines would not be established, or that the contribution to the local economy would be any different. Moreover, occupancy would remain flexible, such that there may equally be a high turnover of different people or groups, in the same manner as the existing condition allows.
8. If as the Council suggests, there would be a lack of demand for lengthened occupancy, the higher turnover of occupants may even be the more likely scenario. In any case, there is nothing before me to suggest that the policies of the development plan require a demand for increased occupancy to be proven with evidence.
9. There is also little evidence to persuade me that the proposed 90 day occupancy is akin to a permanent residential use, as all visits would be on a temporary basis such that occupants would not make the dwelling an established living arrangement. This is the same, whether the intention is for a personal use of the

accommodation, or as a short stay let for tourists. Furthermore, the Inspector, in the appeal decision quoted by the Council¹, also concludes that three month occupancy is transient and short-term, when comparing with occupancy for an indefinite period.

10. I am mindful that the Council has imposed conditions allowing 90 day holiday occupancy in some specific circumstances. For example, when the holiday let property is located close to the applicant's (and site operator's) main residence, or within or close to settlement boundaries, in walking distance of nearby amenities. In this case, the site's location is relevant.
11. The appeal site is accessed from Longsight Road, which is also the A59. There is pavement access to Copster Green to the west and Langho to the east. Whilst both are a significant walk, I am also advised that there is a regular bus service, with stops close to the access road, providing a regular service between the principal settlements of Clitheroe and Blackburn, as well as stops in nearby settlements. Therefore, whilst the site is within an open countryside location, in the absence of evidence to the contrary it is also well served by public transport and pavement links, which increases choice of sustainable travel options, reducing reliance on the private car.
12. Overall, in the absence of evidence to the contrary, I consider that the effect of the proposed extended occupancy period on sustainable tourism, would be no different to the existing effect. As such, the proposed replacement condition would continue to define the scope of the permission and would ensure that the development promotes sustainable tourism and contributes to the area's economy. This would be in accordance with the relevant provisions of policies DMG2 and DMB3, and Key Statements EC3 and DM12 of the Core Strategy.

Conditions

13. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have that effect. It was clear from my site visit that the development has been commenced and is in use as holiday let accommodation. The Council has not drawn my attention to any concerns in regard to the discharge of pre-commencement conditions related to the substantive Planning Permission (3/2022/0030). From the evidence available to me, I am clear condition 1 of the substantive Planning Permission (3/2022/0030) has been complied with and does not need to be reimposed. However, in the absence of any information from either main party concerning the status of the other conditions imposed by the substantive planning permission, I shall impose all those that I consider remain relevant. The conditions and the reason for their imposition are set out in the Schedule below. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

¹ APP/T2350W/25/3359254 Land at Moran's Farm, Pendleton Road, Wiswell

Conclusion

14. The proposal accords with the development plan taken as a whole. Therefore, for the reasons given above, and taking account of all other considerations, the appeal is allowed.

E Heron

INSPECTOR

Schedule of conditions

- 1) Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:
Unit 1 Proposed Plans and Elevations (Bre/906/3101/01) in relation to unit 1 only.
Proposed Site and Location Plan (Bre/906/3101/02)
Units 1 & 2 Proposed Floor & Roof Plans. Proposed Elevations. Proposed Site Plan. (Bre/906/2928/02 A) in relation to unit 2 only
Proposed Bin Storage Areas. Plan and Elevations of Bin Store. Swept Path Analysis for Refuse Wagon. (Tur/155/2801/05 D)
Highway Plan (Tur/155/2801/06 D)

Reason: For the avoidance of doubt as the proposal was the subject of agreed design improvements and/or amendments and to clarify which plans are relevant to the consent.

- 2) For the avoidance of doubt this planning approval does not incorporate the erection of external lighting on any structure hereby approved, or elsewhere within the site.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and to prevent nuisance arising.

- 3) Notwithstanding the details shown on the approved plans, the site boundaries shall comprise 1.2-metre-high natural stone walls and no unit of holiday accommodation shall be occupied until all walls to bound its plot have been erected unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the materials to be used are appropriate to the locality.

- 4) External refuse recycling/bin stores shall be made available for use in accordance with drawing no. Tur/155/2801/05 D before the development hereby approved is first brought into use and retained thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interest of visual amenity.

- 5) The proposed new length of track between the application site and the existing access track from the A59 to Dewhurst Farm shall be surfaced with dark coloured gravel and be retained as such.

Reason: To ensure that the materials used are visually appropriate to the locality.

- 6) Notwithstanding the submitted details, precise specifications or samples of external facing and roofing materials (including roof lights) shall have been approved in writing before their use in the proposed development. The materials shall be implemented within the development in strict accordance with the approved details submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

- 7) No above ground development shall take place until full details of the colour, form and texture of all hard landscaping (ground surfacing materials) including details of any changes of level or landform (including details of any retaining structures) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: In the interests of the amenity of the area.

- 8) A dedicated electric vehicle charging point shall be provided for each unit of holiday accommodation prior to first use of the development hereby approved. Thereafter, the electric vehicle charging points shall be permanently maintained.

Reason: To promote sustainable modes of transport.

- 9) Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the holiday units hereby approved shall only be used as short-term holiday accommodation and for no other purpose.

Reason: For the avoidance of doubt, and to avoid an over-intensive use and to ensure that the development remains compatible with the character of the area and the intensity and frequency of usage remains proportionate to the use hereby approved.

- 10) Each holiday unit hereby approved shall not be let to or occupied by the owner, any one person or group of persons for a combined total period exceeding 90 days in any one calendar year and in any event shall not be used as a unit of permanent accommodation or any individual(s) sole place of residence.

The owner shall maintain a register of all guests of each unit of accommodation hereby approved at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain the name and address of the owner and the main guest who made the booking together with dates of occupation.

Reason: The permission relates to the provision of holiday accommodation. The condition is necessary to define the scope of the permission hereby approved and to ensure that the development promotes sustainable tourism and contributes to the area's economy.

- 11) Prior to the first use of the development hereby permitted, sight lines of 200m in both directions from a point 2.4m south of the edge of the carriageway of the A59 shall be provided as shown on drawing no. Tur/155/2801/06 D.

The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

- 12) The access road improvements shown on submitted drawing Tur/155/2801/06 D shall have been fully completed prior to any unit of holiday accommodation hereby permitted being brought into use. For the avoidance of doubt this shall include the provision of a post and rail fence between the application site and Dewhurst Road as denoted on drawing Tur/155/2801/06 D which shall thereafter be retained and maintained at all times.

Reason: In the interests of highway safety.

- 13) The car parking and manoeuvring areas shall be laid out in accordance with the approved plans before the holiday accommodation hereby approved is first brought into use and shall be permanently maintained as such thereafter.

Reason: To allow for the effective use of the parking areas.

- 14) Any removal of vegetation including trees and hedges shall be undertaken outside the nesting bird season [March - August inclusive] unless preceded by a pre-clearance check by a licensed ecologist on the day of removal which confirms the absence of nesting birds.

Reason: To ensure that there are no adverse effects on the favourable conservation status of birds.

- 15) No above ground development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to and approved in writing by the Local Planning Authority. The details shall be

submitted on a building dependent bird and bat species development site plan and include details of the numbers of artificial bird nesting boxes and artificial bat roosting sites. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated. The artificial bird/bat boxes shall be incorporated into the building during the construction works before the development is first brought into use and shall be retained and maintained thereafter.

Reason: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species.

- 16) Prior to first rental period of each holiday unit hereby approved a Management Plan shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall provide details of the following:
- i) Measures to ensure that the behaviour of the guests is reasonable and not detrimental to the amenities of nearby residents.
 - ii) Details of the person or persons who would be responsible for assisting the guests of the cottage(s) with any queries/problems; and would also be responsible for ensuring that the behaviour of guests is reasonable and not detrimental to the amenities of nearby residents.
 - iii) The addresses of the person or persons responsible for the operation of the holiday unit(s).

Thereafter, the development shall be operated in strict accordance with the approved details.

Reason: To ensure the satisfactory management of the site in the interests of general amenity of the area, to safeguard where appropriate neighbouring residential amenity.

- 17) No building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: In order to protect the amenities of existing residents.

- 18) Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

