

**REPORT FROM: PLANNING, BUILDING CONTROL & LICENSING MANAGER**

**TO: West Craven Area Committee**

**DATE: 3<sup>rd</sup> July 2018**

**Report Author: Neil Watson**  
**Tel. No: 01282 661706**  
**E-mail: [neil.watson@pendle.gov.uk](mailto:neil.watson@pendle.gov.uk)**

### **Former Westfield Mill**

#### **PURPOSE OF REPORT**

- (1) To consider the dormant development site and if any action is appropriate to see it completed.

#### **RECOMMENDATIONS**

- (1) That Committee authorise the service of a Completion Notice giving 18 months for the site to be completed from when the notice takes effect.

#### **REASONS FOR RECOMMENDATIONS**

- (1) In order to ensure that the amenity of residents is not affected in perpetuity and to ensure the site is satisfactorily completed.

#### **ISSUE**

- 1 Planning permission was granted for the development of the site under 13/04/0590P. The development was being brought forward at the height of the housing boom and initially the development went ahead and good progress was made on completing units.
- 2 The development continued up until 2011 when activity ceased. There is no exact date it ceased but our records show activity on site in 2011 but not in 2012.
- 3 The site can be split into two areas for the purpose of describing its characteristics. The eastern half has been largely developed. There are however 5 plots which have been started with bases laid. No further work on these has taken place over several years.
- 4 The western section, which has planning permission for a further 19 units, has not been developed but has been used as a site compound. It remains undeveloped and has residual items on it associated with the overall development of the site.
- 5 We have over a number of years been in on contact with the owners to try and seek a way to get the development to continue. This has included offering access to the brownfield

development fund and offers of seeing if the joint venture vehicles we have with Pearl can assist. None of these approaches have proved fruitful.

- 6 It is understood that the developer is in some form of dispute with the financiers of the scheme. It is not known if there is a resolution to this dispute that will lead to completion of the development.
- 7 The Town & Country Planning Act 1990 (the Act”) has provisions in it that deal with the termination of planning consents. Section 94 states that *“If the local planning authority are of the opinion that the development will not be completed within a reasonable period, they may serve a notice (“a completion notice”) stating that the planning permission will cease to have effect at the expiration of a further period specified in the notice.”*
- 8 The site has not been worked on for 6 years and from the information we have currently there is no prospect of further development. There is no specific definition on what the term “reasonable period” means. Each case needs to be considered on its individual merits. Clearly here there have been financial issues and the development was being undertaken in the midst of a housing crisis. However the site has had planning permission for 14 years and has seen no activity at all for the last 6 years. A reasonable developer can complete circa 25 houses on a site in a year. There is no reason in terms of the scale of the site which would mean it could not be completed in a year. In the overall circumstances it is legitimate to conclude that the development will not be completed in a reasonable timescale. The Council could therefore reasonably serve a completion notice.
- 9 There are 24 plots to be completed with 5 having bases already installed. It would be perfectly feasible to complete these in 12 months. To give an element of comfort it would be appropriate to allow a further 6 months for completion.
- 10 The effect of a completion notice is not to require completion of a development. It simply gives a timescale within which the developer must complete the scheme. At the point that the completion notice expires anything that is built in accordance with the planning permission remains lawful but no other development that formed part of the initial permission thereafter benefits from planning permission. Existing residents therefore would not be affected by such a notice.
- 11 The Act requires that a completion notice is served on the owner of the land, any occupier and anyone who in the Council's opinion would be affected by the notice. Members should note therefore that all existing residents on the site will have to have a notice served on them. Should the Committee accept the recommendation it will be important to let residents know that it will not affect them and to explain what the notice is there to do.
- 12 Unusually the Act states that if any person upon whom the notice is served chooses they have a right of audience by a person appointed by the Secretary of State.
- 13 The developer has been contacted informing them of the intention to recommend that a completion notice be served and asking for their comments. No response has been received at the time of writing this report. Any response will be verbally reported to Committee.
- 14 In all the prevailing circumstances it is clear that the site has not been and is not likely to be completed in a reasonable timescale. It is recommended that a completion notice be served giving an 18 month completion timescale.

## **IMPLICATIONS**

**Policy:** None

**Financial:** None

**Legal:** None

**Risk Management:** None

**Health and Safety:** None

**Sustainability:** None

**Community Safety:** None

**Equality and Diversity:** None