

**BURNLEY BOROUGH COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**

21<sup>st</sup> March 2019

**PART III**

**Request to vary Committee resolution in respect of APP/2017/0454 and APP/2017/0455 for development at Rowley Farm, Rowley Lane**

1. Background

Application APP/2017/0454 to convert barn to two dwellings and shippon to one dwelling and APP/2017/0455 for Listed Building Consent to carry out internal and external alterations for conversion of barn to two dwellings and shippon to one dwelling at Rowley Farm, Rowley Lane, were considered by the Development Control Committee on the 25<sup>th</sup> January 2018 and then subsequently on the 26<sup>th</sup> April 2018 where the resolution to grant planning permission and listed building consent subject to a Section 106 Agreement or Unilateral Undertaking were modified to the following:-

**“That authority be delegated to the Head of Housing and Development Control to approve applications APP/2017/0454 and APP/2017/0455 subject to a Section 25 Dedication Agreement under the Highways Act 1980 to give consent to dedicate the part of FP2 Worsthorne with Hurstwood at Rowley Farm to a Public Bridleway and to the agenda conditions and further/modified conditions as set out below:”**

The purpose of the Dedication Agreement which Lancashire County Council offered to prepare is to attain the consent from the applicant and owner(s) at land at Rowley Farm to re-dedicate the part of FP2 that crosses Rowley Farm from a Public Footpath to a Public Bridleway. This has now been completed and signed by the applicant and owner of Rowley Farm.

2. Purpose of report

To seek a variation to the above stated resolution of the Committee to take account of the fact that the signed document referred to above does not constitute an ‘Agreement’ as it has not yet been signed by Lancashire County Council.

3. Main issues

The purpose of making the agreement is to secure the consent of the applicant and landowner to the re-dedication of the footpath. Lancashire County Council has indicated that it will hold the Agreement on file until such time as the bridleway links

either end have been agreed with other relevant landowners. At that time, the authorised signatory from the County Council will complete the agreement and only after that date will the improvement works will be carried out as described in the Agreement. The applicant has therefore carried out their obligations under the terms of the resolution of the Committee on the 21<sup>st</sup> April 2018. This secures their agreement indefinitely and therefore satisfies the objectives of requiring the Agreement to be made. In view of this, planning permission and listed building consent can be approved without a requirement for a Section 25 Dedication Agreement.

#### 4. Recommendation

That the recommendation set out in Paragraph 1 above be varied to the following:-

**“That planning permission and listed building consent be approved subject to conditions.”**

### **Background Papers**

Planning application files APP/2017/0454 & 0455

The above papers are available for inspection at the Town Hall, Manchester Road, Burnley BB11 9SA. Contact Janet Filbin on 01282 425011 Ext 3216.