

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

Date: 26th April 2018

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 25th January 2018. The Committee made the following resolution:-

“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 106 Agreement or Unilateral Undertaking 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 Section 106 Agreement or Unilateral Undertaking was to attain the consent from the applicant and any other owner(s) of land at Rowley Farm to re-dedicate the part of FP2 that crosses Rowley Farm from a Public Footpath to a Public Bridleway.

2. Purpose of report

To seek a variation to the above stated resolution of the Committee to allow an alternative means of securing the agreement of the applicant and owner(s) to a re-dedication without the need for a Section 106 Agreement or Unilateral Undertaking. Since the resolution of the Committee, Lancashire County Council has agreed to prepare a Section 25 dedication agreement under the Highways Act 1980 which once signed by the applicant and any other owner(s) of the land would provide the consent that is necessary for the re-dedication of FP2 at Rowley Farm from a Public Footpath to a Public Bridleway. Following on from this, Lancashire County Council would have the requisite powers to re-dedicate the complete public footpath route between Rowley Lane and Worsthorne as a public bridleway once they have attained the necessary agreement of all other landowners on the public footpath route.

3. Main Issues

The use of a Section 25 dedication agreement under the Highways Act 1980 would achieve the objectives of the requirement in the resolution to secure the agreement of the applicant and any other owner at Rowley Farm to the re-dedication of FP2 at Rowley Farm to a Public Bridleway. As such, there is no overriding requirement to secure the re-dedication of FP2 through a section 106 Agreement or Unilateral Undertaking.

4. Recommendation

That the recommendation as set out at Paragraph 1 above be varied 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:”

Background Papers

Planning application files APP/2017/0454 & 0455

The above papers are available for inspection from Planning and Environment Services,

Contact Burnley, 9 Parker Lane, Burnley, BB11 2DT. Telephone (01282) 425011