

Conflict between a Planning Permission and the granting of a Licence

The Parish Council would like an item to clarify what should happen when there is an apparent conflict between a planning permission and the granting of a licence.

The example in question are recent licensing applications (LATEN) for The Greenhaus, 267B, The Green numbered 17/00698 and 17/00963 (I think they are the correct numbers but I can't be sure as your system doesn't seem to hold LATEN licences in the same way it stores premises licences).

Granting the licences led to a conflict with condition 4 of the permission for application 15/00775/FUL (decision notice attached) placed on the change of use application from retail to micro pub which was imposed to minimise disturbance to neighbouring properties and maintain parking areas.

Response from Lesley Miller, Regulatory Services Manager, Chorley Council

There is specific guidance in relation to the Licensing Act which means that a licence may be granted which does not have to mirror any planning consent, and vice versa.

Any conflict where there is a disparity between the two regimes would need to be dealt with by the appropriate enforcement of the legislation being breached at the time.

Thereby a premises may have a premises licence that covers licensable activities for a larger area (as in the case with The Greenhaus) or for different hours, than those specified in the planning consent. In which case it would be a planning enforcement matter, but is not a reason to review the premises licence, as in itself it does not necessarily constitute a failure to meet the Licensing objectives.

This situation exists to allow for a premises to apply for a premises licence or planning permission independently, and this may appear to be a deficiency in both licensing regimes, however, the guidance is clear that one cannot influence the other.