

Item No. 09

APPLICATION NUMBER	CB/14/04099/VOC
LOCATION	Ickwell Fields, Ickwell Road, Upper Caldecote, Biggleswade, SG18 9BS
PROPOSAL	Variation of Condition: Removal of condition 6 (occupancy) of outline planning permission MB/98/0005/OUT Outline application erection of detached dwelling for use with existing stud farm (all matters reserved).
PARISH	Northill
WARD	Northill
WARD COUNCILLORS	Cllr Mrs Turner
CASE OFFICER	Samantha Boyd
DATE REGISTERED	20 October 2014
EXPIRY DATE	15 December 2014
APPLICANT	Mr D Maudlin
AGENT	Mrs C Maudlin
REASON FOR COMMITTEE TO DETERMINE	The applicant is related to an Elected Member

RECOMMENDED DECISION

Variation of Condition - Refused

Reason for Recommendation

No justification has been submitted which demonstrates there is no longer a requirement or a need for the dwelling to be occupied by a rural worker. The proposal to remove condition 6 (occupancy restriction) from planning permission MB/98/0005 dated 25/08/98 is therefore considered to be unacceptable and contrary to Policy DM4 of the Core Strategy and Development Management Policies Document (2009) and the National Planning Policy Framework (2012).

Site Location:

Ickwell Fields is a large detached dwelling located in the open countryside between Ickwell and Upper Caldecote. The dwelling is isolated from the villages and surrounded by agricultural land.

Adjacent to the dwelling there are buildings formerly used for stabling.

The Application:

Planning permission is sought for the removal of condition 6 attached to planning permission MB/98/0005/OA an outline consent for the erection of a detached dwelling for use with the existing stud farm granted on 6 January 1998. Condition 6 states:

The occupation of the dwelling shall be limited to a person wholly or mainly employed, or last employed in the locality in agriculture as defined in Section 336

of the Town and Country Planning act 1990, or in equine business or a widower of such a person, and any resident dependents.

Reason: The Local Planning Authority considered that the exceptional personal circumstances of the applicant over-ride the planning objections which would normally compel the authority to refuse permission for the development hereby permitted.

RELEVANT POLICIES:

Core Strategy and Development Management Policies - North 2009

DM4 Development within and Beyond Settlement Envelopes

DM3 High Quality Development

National Planning Policy Framework (March 2012)

Paragraph 55

Emerging Central Bedfordshire Development Strategy (June 2014)

Policy 38 Within and Beyond Settlement Envelopes.

Policy 43 High Quality Development

Having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24 October 2014.

Supplementary Planning Guidance

Design Guide – Revised March 2014

Planning History

MB/82/00442 Outline: Erection of an agricultural dwelling – Granted 19/08/92

MB/82/0442/A/RM Reserved Matters: Detached bungalow and double garage. Granted 17/04/84

MB/90/01030/Full Stud, associated dwelling and ancillary works. Granted 11/09/90

MB/90/01795/Full Additional stabling and siting of temporary building for storage. Granted 12/02/91

MB/93/00631/Full Erection of detached dwelling for use with horse stud. Refused 29/07/93

MB/98/0005 Outline: Erection of detached dwelling for use with existing stud farm. Granted 25/08/98

MB/98/01787 Reserved Matters. Erection of detached dwelling following consent 98/0005. Granted 16/02/99

Representations:

(Parish & Neighbours)

Northhill Parish Council: No comments received at time of preparing committee report.

Neighbours: No comments received

Consultations/Publicity responses

Agricultural Advisor: No comments received at time of preparing committee report

Determining Issues

1. Whether is it acceptable to allow permission for the dwelling without the agricultural occupancy condition

The application seeks removal of the agricultural occupancy condition attached to the planning permission for the original dwelling as set out above. At the time, justification for the new dwelling was so that a worker could live on site in connection with the existing adjacent stud farm and was dependant on the functional needs of the enterprise and not the personal circumstances of any individual. This justification is one of the few circumstances where isolated residential development would be permitted in the open countryside and in order to make the development acceptable it was felt necessary to restrict the occupancy of the dwelling to rural workers only. Should the removal of the condition be approved, the occupancy of the house would be unrestricted.

Since the 1998 planning application was granted there has been a change in adopted policy. The Council's Core Strategy and Development Management Policies (2009) and the National Planning Policy Framework (2012) set out when planning permission might be granted for a house in the open countryside. Both cite the essential need for a rural worker to live near their place of work in the countryside as a reason that consent for development like that being issued.

Paragraph 55 of the NPPF states that - Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Further Policy DM4 of the Core Strategy only allows new residential development within Settlement Envelopes. Outside Settlement Envelopes, in the open countryside, only particular types of new residential development will be permitted and this includes new dwellings for the essential need of those employed in agriculture or forestry.

Annex A of former Planning Policy Statement 7: Sustainable Development in Rural Areas sets out the reasons why occupancy conditions are necessary when planning permission for accommodation for rural workers to live close to their place of work has been granted under special circumstances. The condition is necessary to ensure that the dwelling is kept available to meet the need of a rural worker for as long as it exists. While PPS7 has been superseded by the NPPF, the guidance within Annex A remains relevant and serves as guidance on agricultural, forestry and other occupational rural dwellings.

The applicant has submitted information in support of the proposal to removed the occupancy condition. The applicant states that they have lived in the property since 2008. The property is surrounded by land farmed by G.J.Mauldin & Sons of which the applicant's husband is a stakeholder. At the time the property had been left in an unfinished condition. There were outstanding Building Regulation requirements and the building was in need of significant repairs. The 15 acres of land offered for sale with the property had also been left unmanaged.

Due to the poor state of the building, it was difficult for the applicant to secure a mortgage on the property, therefore family members secured the property for the applicant by way of a bank loan. This arrangement would be agreed until the property could be remortgaged in the applicants name following the completion and renovation of the property. However in the meantime, one of the original parties on the loan recently passed away and due to probate, the loan can no longer be secured on the property.

The applicant has recently attempted to secure a mortgage on the property however the agricultural occupancy condition has made finding a suitable lender difficult. It has therefore been suggested by a mortgage broker that the most suitable way forward is to remove the occupancy condition from the property.

While there is sympathy for applicant's financial situation, in terms of justification for removing an agricultural occupancy condition, personal circumstances should not be considered as a sufficient reason to allow unrestricted occupation of the dwelling.

Ordinarily such applications would need to consider changes to farming industry that may affect the long term requirement for a dwelling which is subject to occupancy conditions and whether there is a demand for farm (or other occupational) dwellings in the area, bearing in mind the need is for someone solely, mainly or last working in agriculture or forestry as a whole and not just the particular holding. . Annex A of PPS7 notes that such dwellings should not be kept vacant and present occupants should not be obliged to remain in occupation by virtue of planning conditions that have outlived their usefulness. In order to assess whether there is a need or demand for the occupational dwelling, the Council would require evidence that steps have been taken to market the dwelling with the occupancy condition.

The applicant has not demonstrated that there is no requirement or no demand for a dwelling on the unit for those working, or last working, in the locality in agriculture, forestry or another rural- based enterprise that requires a dwelling in the open countryside. The applicant's personal financial circumstances, whilst unfortunate, are not considered to be a robust justification for the removal of an occupancy condition. Therefore the proposal to remove the condition and grant planning permission for a dwelling in the open countryside without justification is contrary to Policy DM4 of the

Core Strategy and Development Management Policies Document (2009) and the NPPF, as such the proposal is considered to be unacceptable.

Recommendation

That Planning Permission be Refused for the following reason:

RECOMMENDED CONDITIONS / REASONS

- 1 No justification has been submitted which demonstrates there is no longer a requirement or a need for the dwelling to be occupied by a rural worker. The proposal to remove condition 6 (occupancy restriction) from planning permission MB/98/0005 dated 25/08/98 is therefore considered to be unacceptable and contrary to Policy DM4 of the Core Strategy and Development Management Policies Document (2009) and the National Planning Policy Framework (2012).

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission is recommended for refusal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

.....
.....
.....
.....