Rob Duncan
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Mr. B. Hurst
Staffordshire Moorlands District Council
Stockwell Street
Leek
Staffordshire
ST13 6HQ

17th January 2019

Dear Ben

REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION – GRANGEWOOD HOUSE, DILHORNE

On behalf of my clients, Mr. & Mrs. Bennion, I would be grateful if you would find enclosed a planning application which seeks consent to remove the agricultural occupancy condition imposed on application 79/6504 (Condition 2).

The application follows on from the recent grant of a Lawful Development Certificate (SMD/2018/0603) which confirmed that the applicant's have resided at the above property for a period in excess of 10 years in contravention of the agricultural occupancy condition, and that consequently the breach of planning control has now become lawful.

Grangewood House was originally granted consent as a dwelling to serve the nearby Heywood Grange Farm, justified on the basis of a dairy herd of 140 cattle. However, the dwelling was subsequently sold off separate to the main farm in May 2002, and since then has been occupied by the applicants. They remain resident in the property to this present day and intend to continue to do so. The land holding at Grangewood House extends to less than 5 hectares (inclusive of the domestic curtilage), and is undulating in nature. It does not support the need for an agricultural workers dwelling, and there are no farm buildings present on site to facilitate such activity. The land furthermore does not provide a sustainable income to meet the terms of the occupancy condition, and has no longer has any legal, physical or functional connection to Heywood Grange Farm. Consequently there is no need for the dwelling in relation to the original farm business. Had there been a need the property would not have been sold off as a separate entity.

Paragraph 55 of the NPPF relates to planning conditions and states that they should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Having regard to the recently approved

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Lawful Development Certificate on the site, the applicant's intended continued occupancy of the property, and the lack of any physical, functional or legal connection to the farm with which the dwelling was originally associated, it is submitted that the agricultural occupancy restriction is no longer necessary, and consequently the removal of the occupancy condition is justified.

The removal of the condition would result in the creation of a new open market dwelling within the countryside, and in considering the appropriateness of this due regard has to be given to the existing fall back position, that being the recently granted lawful development certificate, which confirms that occupancy of the property by persons not working in agriculture is now lawful. As a consequence there is, in effect, already a lawful open market dwelling on the site, and the removal of the occupancy condition will therefore not derive any material conflict with policies SS6c and R2 of the Core Strategy over and above that which already occurs at present, and which could continue to occur into the future. For these reasons it is requested that planning permission be granted to remove the agricultural occupancy condition.

I trust this proposal will be of interest and should have any queries in respect of this matter please do not hesitate to contact me.

Yours sincerely

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