DELEGATED DECISION REPORT

SMD/2018/0727	**COUNTRY VIEW BLACK**	**REMOVAL OF CONDITION 3**
Valid 30/11/2018	**BANK ROAD**	**RELATING TO SMD/1985/0456**
	CHEDDLETON	
		(FULL - MINOR)

MAIN ISSUES

- Whether or not it has been sufficiently demonstrated that condition 3 of planning reference SM/113975 was incorrectly imposed by the Council

DESCRIPTION OF SITE

Country View is a detached brick built bungalow positioned on the north of the access track that serves Whistonshaw Farm, which remains as a working farm. The access also serves as a Public Right of Way. The site is blanketed by the Green Belt and does not fall within a defined settlement or infill boundary of the towns and villages.

PROPOSAL

This application seeks approval to remove condition 3 attached to outline planning consent reference 85/13975/OLDDC (SMD/1985/0456), which states:

The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed within ten miles of the site in agriculture as defined in Section 290 (1) of the Town and Country Planning Act, 1971, or in forestry (including any dependants of such a person residing with him), or a widow or widower of such a person.
Reason:- The development is justified only on agricultural grounds.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS6 Rural Areas
SS6c Other Rural Areas Area Strategy
R1 Rural Diversification
R2 Rural Housing
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 13

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1985/0456	Site for agricultural workers bungalow Approved
SMD/1986/0560	Details of bungalow Approved

CONSULTATIONS

Publicity

Site Notice expiry date: 10.01.2019
Neighbour consultation period ends: Expired
Press Advert: N/A

Public Comments

No comments received.

Town / Parish Comments

Cheddleton Parish Council object to this application to remove condition 3 that this be an agricultural workers dwelling as the original plan wouldn't have been granted without this condition.

Staffordshire County Council Highways

No comments received.

OFFICER COMMENTS

Outline planning consent was granted in 1985 for the construction of a detached dwelling. The application was made by Mrs I Simcock and the description of development as stated on the submitted application form was for the 'erection of farm workers dwelling'. The subsequent decision notice issued by Staffordshire Moorlands District Council granted approval for 'agricultural worker's dwelling at Whiston Shaw Farm, Chedleton for Mrs. I. Simcock.

Approval was granted subject to the following five conditions:

1. Details of siting, design and external appearance of the buildings together with means of drainage shall be submitted to and approved by the Local Planning Authority before any building operations, the subject of this permission, shall commence and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application.

2. The development hereby permitted shall be carried out in accordance with the amended plans received in these offices on 14th August 1985 showing revised siting closer to the existing farmstead.

3. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed within two miles of the site in agriculture as defined in Section 290 (1) of the Town and Country Planning Act, 1971, or in forestry (including any dependants of such a person residing with him), or a widow or widower of such a person.

4. No septic tank shall be constructed within 8m of the highway boundary.

5. No soakaways shall be constructed within 4.5m of the highway boundary.

The Applicant seeks to remove condition 3. The site is located within the rural area, and the Green Belt. Policy R2 Rural Housing states "*other than sites allocated for housing development in the Site Allocations DPD, only the following forms of housing development will be permitted in the rural areas outside the settlement and infill boundaries of the town and the villages……..A new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere*."

Within the Green Belt, according to the NPPF, there is a presumption against inappropriate development. The erection of buildings within the Green Belt is appropriate unless it falls within one of a number of categories including buildings for agriculture and should only be approved where there are very special circumstances. In this case therefore it is only the planning condition which renders the development appropriate within the Green Belt and ensure that it remains appropriate development. It is therefore necessary to make the development acceptable in planning terms and accords with the other tests for a condition in the PPG. As such it continues to serve a useful planning purpose and to remove it would be contrary to both Core Strategy Policy R2 and the provisions of the NPPF. Accordingly the application should be refused unless there are other material considerations to indicate otherwise and those considerations are of sufficient magnitude to constitute very special circumstances.

With regard to very specials circumstances / other material considerations, the case which has been advanced by the applicant is that condition 3 was added in error and it was, in fact, the intension of the Council to grant outline planning permission 'on the basis of personal circumstances' rather than subject to the agricultural occupancy condition. The grounds for this position have been outlined in a submitted Planning Statement and are detailed as follows:

Documents provided by the Council are clear about the prevailing background circumstances when the outline planning application was being considered in 1985. The District Council Planning Officer report records the professional opinion of the County Estates Officer, in response to the formal consultation, as follows:

'It is clear that the application arises from the personal circumstances of the applicant in that she has become recently windowed, father than a proven agricultural need. Whilst it may be beneficial fort he farming of this unit for Mrs Simcock's married some to live on the unit I would confirm that sections dwelling is not considered essential under agricultural grounds.'

The Planning Officer continues in the report to record his/her own 'observations', acknowledging the County Estates Officer comments, and stating:

'…this application arises more out of the personal circumstances of the applicant rather than agricultural need, it is understood that currently Mrs Simcock's elder son who lives some 3 miles distances from the farm carries out most of the farm work. It is for this son that the dwelling is being requested. As pointed out by the County Estates Officer the size of the farm unit which consists of approximately 63 acres and an additional 25 acres of grass keep taken in each year does not justify 2 residential units.

The site indicated by the applicant is a few hundred yards distance from the existing farmstead and would not be well relates to the existing farmstead.'

The Planning Officer then proceeds in the report to recommend refusal due to:

'unallocated Green Belt and insufficient justification on agricultural grounds.'

The Officer report contains an annotated hand written note 'To Full Council'. It appears that his is effectively a record or minute of the decision made at that time by either the Planning Officer of the Council's Planning Committee (or equivalent) that the application should proceed to the Council's Full Council for the final decision to be made.

At the foot of page C5 of the Officer report there are further annotated hand written notes stating 'Approve on basis of personal circumstances. Section 52 Siting'. It is considered that these notes are effectively a record or minute of the Full Council's actual formal decision of the outline planning application.

The Planning Officer report, and annotated notes of the decision made, are critical to the consideration of both the technical accuracy of the decision notice that was issued, and also the current application to remove the agricultural occupancy condition.

Taking account of the passage of time records are limited on the application file. However, minutes taken from the committee meeting dated 20th June 1985, albeit incomplete, state at number 77a) 'Recommendations to Council (a) SM.13975 – Application by Mrs I Simcock for erection of farmworkers dwelling at Whistonshaw Farm, Cheddleton (Outline) Recommended - That the above application be

approved, subject to agreement / conditions regarding agricultural occupancy and also agreement on siting.'

The Minutes of the Planning Committee held on 20th June 1985 (Minute Nos. 55 – 80 inclusive) were resolved to be approved and adopted, subject to an amendment to Minute No. 77(e) - SM/13650 (unrelated to the application site) following a report to Committee dated 3rd August 1985.

Outline consent was subsequently approved 13th September 1985, in accordance with minutes taken.

Having regard to the above I give more weight to the official approved minute of the meeting and the reference within the description of the development applied for to "farmworkers" dwelling than the hand written note on the application file, for which there is no context or further clarification. In light of the information available I am satisfied that condition 3 was applied correctly.

Insufficient evidence has been submitted to justify the removal of this condition and accordingly a recommendation of refusal is given.

OFFICER RECOMMENDATION : Refuse

Case Officer: Lisa Howard
Recommendation Date: 22.07.2019

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council