PLANNING STATEMENT

Application for the removal of an Agricultural Occupancy Condition (3) – SMD-1988-0163

At Harewood Park Farm, Leek Road, Cheadle, Stoke on Trent, ST10 2EF.

On Behalf of Mr & Mrs Rice

FISHER GERMAN

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Document Author	Version	Date	Approved By	Comments
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01 Introduction

1.1 This Planning Statement has been prepared in support of an application for the removal of an occupancy condition (SMD-1988-0163) at Harewood Park Farm, Cheadle.

1.2 The Statement should be read in connection with the following supporting information which forms part of this planning application:

- Application Forms;
- Location Plan (Drawing Number: 134927-001); and
- Certificate of Lawfulness (Ref: SMD/2023/0163)

1.3 This Planning Statement describes the site and its general locality, details the proposed development and gives an overview of the planning policy. There follows a full assessment of the proposals against this policy context and all other relevant material considerations.

1.4 It is concluded that following the issuing of a Certificate of Lawful Existing Use or Development, by implication it is now lawful for the occupiers to live in non-compliance with the agricultural tie, and that the condition now fails a key test where the condition is no longer enforceable, and therefore should be removed.

02 Site and Surrounding Area

2.1 The application site is located approximately 250 metres North of Cheadle in the Staffordshire Moorlands District. The site currently benefits from access from the A522, via a private driveway. The dwelling neighbours Harewood Park Nursing Home to the Northeast and Wright Paul to the Northwest. It is bound to the and south by pasture land and highway.



Figure 1: Site Location

2.2 There are no listed buildings on or within close proximity to the site. The site is located wholly within Flood zone 1, therefore at a very low risk of flooding. The site forms part of the Stoke-on-Trent Green Belt. The site is outside of the Development Boundary set for Cheadle in Policy SS2.

2.3 The original planning permission (SMD-1988-0163) for the agricultural workers dwelling was granted in April 1989, where Condition 3 restricted occupation.

03 Proposed Development

3.1 Permission is sought for the removal of condition 3 from permission SMD-1988-0163 for an agricultural worker's dwelling.

3.2 Condition 3 as written states:

"The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, within 10 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.

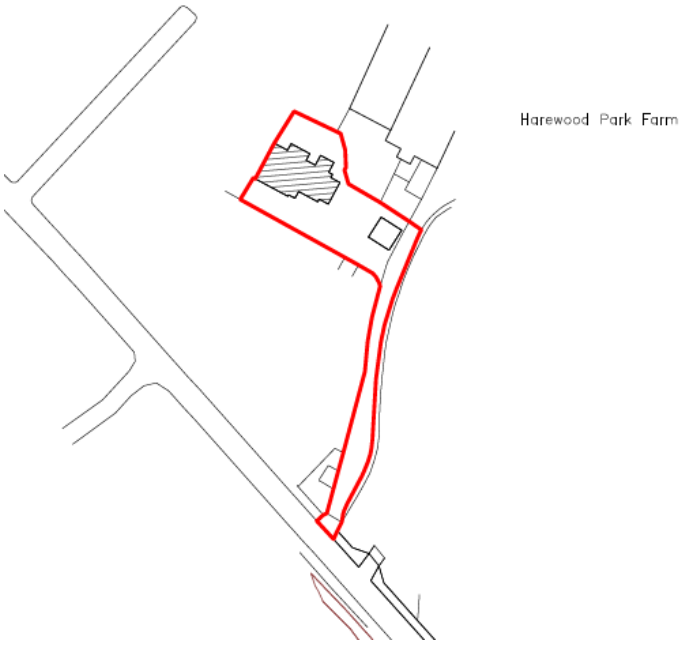

Figure 2: Location Plan

3.3 An application for a Certificate of Lawfulness for an Existing Use or Development (CLEUD) was submitted by the applicants on the 3rd of April 2023, and was granted on the 25th May 2023. The application outlined and evidenced that the applicants have been in breach of Condition 3 of Ref: SMD-1988-0163, for a period in excess of 10 years, thus meaning that the Council could no longer take enforcement action against them for the breach.

04 Planning Policy and Legislation

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In addition, government policy, principally the National Planning Policy Framework published in 2021 (the Framework), is material to the determination of planning applications.

National Planning Policy Framework (2021) 'NPPF'

4.2 The National Planning Policy Framework (NPPF) was published in February 2019 and provides overarching guidelines for the planning system that replace all previous planning policy statements and planning policy guidance notes. The document states that 'the purpose of planning is to help achieve sustainable development.' The central theme of the framework is a presumption in favour of sustainable development.

4.3 Paragraph 56 concerns planning conditions and outlines that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

4.4 The National Planning Practice Guidance (NPPG) (Paragraph 003 Reference ID: 21a-003-20190723) states that Paragraph 56 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum and only used where they satisfy the following tests:

1. Necessary;
2. Relevant to Planning;
3. Relevant to the Development Permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other aspects.

These are referred to as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply.

05 Assessment and Conclusion

5.1 This application seeks the removal of an agricultural occupancy condition at Harewood Park Farm, Cheadle. The assessment below demonstrates that when considering the Certificate of Lawfulness issued, and the NPPF, the condition attached to the dwelling is no longer enforceable.

5.2 The Certificate of Lawfulness issued in May 2023, confirmed that the applicants had been in breach of the agricultural occupancy condition, for a period in excess of 10 years, and therefore the Council could no longer take enforcement action against them for the breach, making it lawful for them not to comply with the condition.

5.3 Paragraph 56 of the NPPF sets out that planning conditions should be kept to a minimum and only used where they satisfy the 6 tests. The condition now fails to meet the test of enforceable. The CLEUD confirmed that the Council can no longer bring enforcement action against the occupants.

Conclusion

5.3 This application seeks permission for the removal of an agricultural occupancy condition at Harewood Park Farm, Cheadle. Having regard to the NPPF and the Certificate of Lawfulness. The proposed removal of Condition 3 is therefore considered to be acceptable. It is therefore respectfully requested that permission is granted for the removal of the agricultural occupancy condition without delay.