DELEGATED DECISION REPORT

SMD/2023/0274 **Valid 08/06/2023**	**HAREWOOD PARK FARM** **LEEK ROAD** **CHEADLE**	**REMOVAL OF CONDITION 3 RELATING TO SMD/1988/0163** **(FULL - MINOR)**

MAIN ISSUES
Whether it is reasonable and necessary to continue to impose the disputed condition, having regard to evidence relating to the need for an agricultural worker's dwelling on the holding and in the local area and to national and local policies relating to development in the Green Belt.

DESCRIPTION OF SITE
Large detached bungalow, located within the Green Belt to the north of Cheadle 400m from the edge of the settlement. Accessed via a long driveway with a compacted unmade surface that connects to Cheadle Road. Deciduous trees line the roadside and the edge of the driveway.

PROPOSAL
The application is made under s73 of the Act, seeking a new planning permission for the development already carried out without complying with conditions subject to which the previous planning permission was granted.

Specifically the application seeks a new permission that is not subject to the agricultural occupancy condition that was attached to the outline planning permission granted on the 17th April 1989.
SM.1201-88, condition 3:
"*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 a widower of such a person."*

Reason: The development is justified only on agricultural grounds

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)
S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
SM.1201-88 Outline Planning permission for agricultural workers dwelling. Approved 17th April 1989.

CONSULTATIONS

Publicity
Site Notice expiry date: 20/07/2023
Neighbour consultation period ends: 20/07/2023
Press Advert: N/A

Public Comments
None

Town / Parish Comments
Awaited

OFFICER COMMENTS

Policy Background
Harewood Park Farm is a large detached bungalow situated to the north of Cheadle within the Green Belt. Policy SS10 of the Local Plan and National Planning Policy Framework exercise strict control over inappropriate development in the Green Belt allowing only for exceptions as defined by Government policy. Policy SS10 does define the type of housing development that will be permitted in other rural areas and includes reference to a dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker.

The Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. Exceptions to this include buildings for agriculture and forestry; and limited infilling in villages (paragraph 145). With regard to Green Belt policy, Policy SS10 refers to national policy and this issue should therefore be determined in relation to paragraph 145 of the Framework. As the applicant's property is a dwelling, it is not a building for agriculture. Therefore the national Green Belt exception regarding agricultural and forestry buildings is not relevant to the scheme.

The dwelling does not sit in a gap within the main form of the settlement it instead sits on its own obviously outside of and beyond the town of Cheadle. The development cannot be described as limited village 'infill' for the purposes of Green Belt policy. On that basis, the relevant paragraph 145 exception does not apply, and the construction of a dwelling where the application dwelling is situated would be inappropriate development in the Green Belt as described in the Framework.

Accordingly, the dwelling is in a location where both local and national policy would normally restrict the construction of new buildings, except in very special circumstances where considerations clearly outweigh harm to the Green Belt. Therefore the original reason for imposing the disputed condition, in that the needs of agricultural enterprise to accommodate a worker outweighed harm to the Green Belt, remains relevant and it is necessary to consider whether it is reasonable to continue to impose it.

The NPPF advises that planning conditions 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. There is no specific local policy regarding how applications to remove agricultural occupancy conditions will be assessed. However, clearly the purpose of the condition was to provide for and protect the provision of accommodation specifically available for agricultural employees of both the farm enterprise at Harewood Park Farm and more generally, as an alternative, those employed locally within a 10 mile radius – the provision of this dwelling specifically for an identified sector of rural employment were the circumstances considered special enough to outweigh Green Belt harm and permit inappropriate development.

Need for a dwelling on the holding

Harewood Park Farm has been owned and occupied by persons not employed in agriculture either on the farm holding or elsewhere in the locality for over 10 years. That matter has been settled with the grant of a lawfulness certificate for the occupation and the current owner/occupiers breach of the planning condition.

Despite this, it is not clear whether the property has any remaining association or ownership with other land that lends itself to agricultural use or farming. The red edged plan draws a tight curtilage around the dwelling but no further information has been provided relating to the evolution of the farming enterprise and how, when and why it might have separated from associated farmland or interest.

Given the history it is assumed that there is no longer need for this worker's dwelling on the original holding, had there been a need the property would not have been sold off as a separate entity. But it is not clear whether an occupant would be able to farm on land provided or retained within the ownership of the application property.

Need for a farm workers dwelling in the local area

The occupancy condition provides also for anyone working in the locality in agriculture (specifically within a 10 mile radius of the property). The application does not provide any evidence to demonstrate that the condition is no longer useful or required in these respects. For example the market has not been tested, and the property has not been marketed in these respects, to provide opportunity for any agricultural worker with need for accommodation within the specified locality. In the absence of such evidence it is not possible to say with any certainty that the condition is no longer necessary or no longer serves useful purpose in those regards.

The properties availability for a local agricultural worker ended when the current occupants purchased the dwelling and the breach of the condition began, the market has not been tested since that time.

The applicant's agent appears to assume that because the existing occupants breach of condition cannot be enforced against, a new or future breach of the condition could not be enforced either. This is not the case, where the condition remains in place a change in occupancy could bring the current breach to an end and the beginning of a new breach that the authority could enforce against. When the current breach comes to an end the property could again be available for the occupancy of an agricultural worker that has such need, to accord with the terms of the planning permission and its occupancy condition .

CONCLUSION / PLANNING BALANCE

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. The application does not provide the necessary evidence to demonstrate that there is no local need within the area for a workers dwelling of this type and location. In these respects it cannot be said with certainty that the condition no longer performs a useful and necessary purpose. Consequently the removal of the occupancy condition is not justified.

The development is inappropriate in the Green Belt and, by definition, harmful. Planning permission was granted only on the basis that very special circumstances had been demonstrated to outweigh the harm and the permission was subject to a condition that restricted occupancy in those terms. This application does not demonstrate circumstances justifying a permission without the occupancy condition.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst
Recommendation Date: 03/08/2023

X

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council